

City of DeBary
Economic Development Advisory Committee Workshop
BUSINESS ROUNDTABLE
Saturday
January 31, 2004
9:00 AM

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

MINUTES

1. Call to Order - Chair Carol Lawrence

2. Roll Call

Present: Chair Carol Lawrence, Donald E. Kitner, Tom Donohoe, Dick Tosh, Tracy Good, Jane Wright, and Betty Gigantino

Absent: Don Woodruff

Also Present: City Manager Richard Diamond, Assistant City Manager Maryann Courson, Mayor Carmen Rosamonda, and Vice Mayor George Coleman

3. Welcome/Introduction/Purpose of Roundtable

Chair Lawrence discussed that this session would be to provide information to the public and that no formal action would be taken by the Committee; that presentations will be made Doug Kelly of GAI Consultants concerning the CRA Finding of Necessity; Assistant City Manger Courson concerning the Streetscape Plan; Volusia County Planner Scott Ashley regarding sign, fence and Gateway Corridor regulations; and that a question and answer session will follow the presentations.

4. CRA Finding of Necessity Report Presentation
GAI Consultants, Inc.

Doug Kelly, GAI Consultants, reviewed the handouts available; that an aerial map of the CRA area and proposed boundaries and the City's Zoning and Future Land Use Map was available for review. Mr. Kelly discussed that the Finding of Necessity was required by Florida Statute prior to the creation of a CRA; that the process was to review geographic areas that would benefit from public improvements and redevelopment activities; that the benefits that could be derived from the creation of CRA would be reviewed; and a Community Redevelopment Agency and a Redevelopment Plan and Trust Fund could be created if the Finding of Necessity was approved.

It was discussed that other communities in Volusia County had created CRA's; that there were 149 CRAs throughout Florida; and that Volusia County was familiar with the process. It was further discussed that the CRA area would be designated for revitalization, redevelopment or new development; that State statute requires that 16 specific items be reviewed by the Finding of

Necessity report; that the report would be complete later in the month; that five different items had been identified in DeBary that would qualify a redevelopment area; that in the study area more residential and non-residential properties had septic systems; this does not mean that water and sewer connections would be required by a CRA; that there were a higher number of Fire Rescue calls in the study area; that there were higher numbers of Sheriff response calls in the study area; that the study area was 22% of the total City area; that there were drainage and storm water issues in the study area, which the CRA could provide funds to resolve; that the State definitions of slum and blight did not necessarily refer to building construction and appearance.

Mr. Kelly further discussed that the CRA boundaries were not yet fixed; that the standards used to place an area in the CRA included whether the State statute criteria was met and whether programs could be applied to improve the areas; and that the study did not apply to any Code Enforcement issues or signage issues. It was further discussed that GAI would not be creating or implementing the CRA plan. GAI's duties were simply to define the area and whether appropriate State statute criteria were met.

It was discussed that funding for the CRA would be provided by determining and freezing the current ad-valorem tax rate revenues which goes to the municipality and the County; that taxing authorities would have to agree to accept those rates over the life of the CRA; that increases to property values above those rates would be invested back into the CRA area; that funding could be obtained through bonding; that the CRA would not create additional taxes but would simply utilize normal tax increases to fund improvements to the areas; that a handout was also provided that defined some of the programs that might become available; that estimated growth rates over 20 years showed that tax increment revenue funds could range from \$8 to \$15 million which could be retained by DeBary; that CRA revenues would be dependent on the amount of the tax increment actually approved by the State and the County; that public or civic buildings could not be funded through the CRA; and that funds had to be spent to improve the district and could not be spent outside of the CRA area.

Improvements made in other areas having CRA's were discussed; that the programs that could be offered were low interest business loans, grants for business improvements; impact fee reimbursement for expanding or for new businesses; payment of development permit fees; and streetlighting and sidewalk programs could be funded; that the next step in the process would be to finalize the study and the proposed boundaries for review by the Economic Development Advisory Committee; that certified letters would be sent to Volusia County taxing authorities advising them of the City's intent to create a CRA; that negotiation would take place with the County concerning the amount of the tax increment that would be retained by the County or allocated to the CRA; that once the legal requirements were met, the City Council could then determine whether to issue a resolution adopting the Finding of Necessity; then a CRA Plan could be created; and that it was hoped that the community would view the CRA as a benefit.

A question and answer period was held. It was asked whether funds could be borrowed against future revenues and whether the City Charter allowed the City to acquire debt. It was answered that the City was limited to loans of 60 months duration. Mr. Kelly discussed that the CRA would be able to bond monies to obtain larger amounts of funds for improvements to be paid by the tax increment funding.

A question was raised if Eminent Domain could be imposed. It was discussed that Eminent Domain was the process of acquiring private property for public use; that Florida Statute required fair compensation; that CRAs do have that authority; that the CRA Board would be comprised either of DeBary residents or possibly City Council Members who would be most sensitive to those issues; that even without a CRA, eminent domain can be initiated by the City; that DeBary would probably not have the issues that might cause the invocation of eminent domain; and that growth issues in heavily populated areas were not prevalent in DeBary.

Linda Waczkowski, 134 Pine Tree Drive, stated her concern was that if an area was declared an area of slum and blight that property values would decrease and the sale of properties would not equate to fair compensation. It was discussed that the Property Appraiser would not lower property values based on the declaration of a CRA area; that once the Finding of Necessity study was completed, the phrase would not be used; that the term was semantic and did not refer to appearance; that Meadowlea on the River could petition to be removed from the CRA district; that in other communities implementing CRA's with the same designation, property values had not decreased and had often increased; and that if an area was removed from the district, it would not be able to benefit from the public improvements that would occur.

Marlee Grein, 34 Naranja Road, asked if residential areas would be rezoned to commercial. It was discussed that the focus was on existing commercial areas; that the CRA did not change any zoning, that those actions would have to be initiated by others; and that a vital downtown area would be desirable.

Eileen Spake asked whether the issues being presented were informational or whether there was a choice in how matters would proceed. It was discussed that the Finding of Necessity study would be provided to the Economic Development Advisory Committee and they would determine whether to recommend it to the City Council; that the City Council would then choose to accept or reject the study; that one to two public hearings would still have to be held; that if the Finding of Necessity was adopted, a master plan would then have to be created which would be a long term project; that there was ample time to have public input for this process; and that the final decision would be made by the City Council.

Wayne Kavens, Cypress Drive, asked if changes to an existing structure would have to be submitted for approval to the Economic Development Committee pursuant to the CRA. It was discussed that developments currently under permit would continue; that normal building and review processes would continue to be followed; that there might be an expedited process offered by the CRA; and that a review for incentives might be required to qualify for programs offered by the CRA.

Harold Weatherman, 150 Moss Drive, asked what procedure the community of Meadowlea could use if they chose to withdraw from the CRA. It was discussed that representatives of the Homeowners Association could present a letter to the City Council stating the will of the Homeowners to withdraw; that the boundaries had not been adopted at this time; that the City Council would make the final decision; and that GAI would be happy to meet with the Homeowners Association to provide further information. Mr. Weatherman discussed that there

was concern expressed by some Meadowlea residents regarding eminent domain proceedings. It was discussed that the City could not take property to sell to a private developer and that eminent domain could only be imposed for the public good.

Karen Weatherman, Meadowlea, asked if the CRA might provide funds for improvement to the community. It was discussed that funds for improvements to public areas might be available but would be determined by the master plan that would be created for the CRA and that Meadowlea was a privately-owned community.

Lolie Richards, 149 Moss Drive, asked what the timeline would be to be removed from the proposed CRA boundaries. It was discussed that the report was approximately two weeks from completion and presentation to the EDAC; that the EDAC would have time to review and make their recommendations to the City Council; that communication with the City by the Homeowners Association should be made to indicate their desires; and that the Homeowners Association representatives could also meet with City officials and Committee Members.

Melody Shepherd, Cypress Drive, discussed that there would still be the potential of eminent domain proceedings and that there did not seem to be any benefits available for a private community. There was further discussion that there might be some funds available through CRA's for private communities; that it would be the determination of the City Council whether to include them; that GAI could check to see if specific projects that Meadowlea were considering might be suitable for future CRA funding; that Meadowlea had simply been included in the review process; and they could request the City Council to remove Meadowlea from the CRA area.

Wayne Kavens, Cypress Drive, asked why other subdivisions were not included in the CRA study; that those subdivisions were mostly newer and already had improvements; and that areas containing more vacant properties were more suited to the CRA study.

Mac McShea, 71 Alano Road, stated that statistics did not accurately reflect the overall character of the City and that he wished a retraction regarding recent news articles.

Carol Pierson, 129 Oak Tree Drive, discussed that the City was looking for land for public and civic buildings; that much of the land surrounding Meadowlea was owned by Florida Power and Light; and that concerns were generated that their area might be taken for development.

Chair Lawrence discussed that the Meadowlea residents should meet with the Meadowlea Homeowners Association and present their wishes to the Association.

Lind Dolbeare, 23 Catalina Drive, discussed that the focus seemed to be the redevelopment of business on Highway 17-92 and she asked whether a study had been done with business owners and whether feedback had been obtained from those business owners. It was discussed that property owners had not been specifically surveyed; that public workshops had been held; and that GAI was offering options and programs that may be available through the presence of a CRA.

Chair Lawrence discussed that the City Council was reviewing tools available to stimulate the improvement of the City; that the CRA was one option under consideration; that the community would be involved in the decision-making process; and that it would be a long-term public process. It was further discussed that there was the Future Land Use map available for view.

Committee Member Wright discussed that there had been meetings a year ago regarding the Gateway Standards that had been a catalyst for the CRA and that business owners had indicated an interest in programs to assist them monetarily with improvements to meet Gateway Standards. It was further discussed that the EDAC had helped to establish a Economic Development strategic plan for the City; that the Business Roundtable meetings had been established to allow the input of the business community. The question was raised whether CRA funds would be available for exterior and structural improvements to businesses; that although many positive aspects had been discussed, could GAI advise if there might be any negative impacts. Mr. Kelly discussed that the negatives might be that once the CRA was established, some outside economic factors might impact or inhibit growth; and that interest rates or rapid growth in an outside area could become detrimental factors to the CRA tax increment revenue.

Committee Member Donohoe discussed that the clarification of terminology and the tax increment funding mechanism was helpful; that the EDAC had selected GAI out of several firms interviewed; that the EDAC and the City Council were focused on appropriate development in DeBary; that the Finding of Necessity study was to provide information on one option that might or might not be chosen; and that he appreciated public interest and participation.

Committee Member Good discussed that the original purpose to provide options for businesses who chose to improve their properties and meet the Gateway Standards; that he felt the slum and blight terminology was unfortunate; that he had reviewed information that CRA's generally caused property values to increase; that eminent domain had been a concern to the Committee as well; that eminent domain was available to the City whether a CRA was in existence or not; and that the Committee viewed a CRA as a helpful tool for the City.

Committee Member Tosh discussed that if anyone wished to withdraw an area from the boundaries, that a meeting with GAI should be scheduled to assure that all pertinent facts were available.

There was discussion of opting out of the boundaries; that in private areas public funds would not be available to that area; that the City Council would have to make decisions as to what improvements will be included in the master plan; that improvements could be made in a private area for public benefit; that the CRA boundary would not be forced on anyone; and that the area would still qualify if Meadowlea might choose to opt out.

Danny Tillis, 146 Homestead Avenue, asked whether business types would be limited by the CRA. It was discussed that business types were determined by the Land Development Code and the Comprehensive Plan process and that those matters were not affected by the CRA.

Mayor Rosamonda discussed that there were many public concerns about a CRA; that the City was considering it due to CRA successes in other communities; that the CRA did not provide

any additional powers to the City than already existed; that the vision was not to purchase properties for the City but to provide funding for improvements; that the purpose was to utilize tax dollars from both the City and County for improvements; that zoning and planning process would have to be followed whether a CRA was in place or not; that business development would be encouraged and more controlled development could occur; that businesses that compliment the community could be selected and encouraged for relocation, expansion or retention; that areas needing public improvements could have funding available to them; and that a CRA is a vehicle to help maintain the low tax rates currently enjoyed in DeBary.

It was discussed that mixed-used areas could include the co-location of small business, residential and retail uses, that an example would be a two story building with business on the first floor and apartments on the second. It was discussed that with the CRA, the County and City would not realize additional revenues for a term of some years; that discussions would be held with the County to determine the term of the CRA and the amount of the increment that would be allocated to the CRA; that as property values would increase, benefits would be shared with the County and the City; that, at this time, the County did appear to have an interest in participating; and that State grant funds would also be available for projects such as underground power and telephone lines.

It was discussed that there were already streetscape improvements being made to street lighting and that further improvements could be made. It was discussed that there had not been any recent requests regarding residential development adjacent to Meadowlea; that at the end of Fort Florida Road, there were plans for a passive park on 300 acres of wetlands in conjunction with the County and St. Johns River Water Management District; that Volusia County operated the water treatment plant; and that there are State incentives to create and improve water and sewer systems for environmental safety.

It was further discussed that the City was proactive in providing Law Enforcement services; that creation of streetlighting districts were encouraged by the City; that there were FDOT minimum lumen requirements for street lights; that there were lighting requirements for businesses under the Gateway Standards; and that existing businesses were not required to meet Gateway and lighting standards unless substantial improvements or new construction occurred.

John Wanamaker, 102 James Pond Court, asked if the newer business park areas were included and whether those areas would reduce funds available to other areas. Mr. Kelly discussed that there would not be any negative impact to funding and that those areas were included in order to encourage development. Mr. Wanamaker asked if funds would be diverted to a newer development with already increasing property values and not to other areas along Highway 17-92 where property values had decreased; and that residential values had increased and commercial values had not. Mr. Kelly discussed that tax increment funding would provide public improvements to motivate the increase of property values. It was noted that any additional questions could be directed to GAI via phone or email and that for the public record all responses would be copied to the City Manager.

Chair Lawrence discussed that Assistant City Manager Courson would be presenting information on the Streetscape Plan. She also stated that residents were encouraged to attend the EDAC meetings, which were held the third Thursday of each month.

5. Streetscape Plan for U.S. Highway 17-9 - Assistant City Manager Courson

Assistant City Manager Courson recognized the City's Streetscape Committee that had developed the Streetscape Plan; that planning had occurred over the course of a year for the north and south medians; that the plans were displayed for public view; that trees and ground cover were to be installed; that there were plantings at Dirksen Drive and US Highway 17-92 as the examples; that some islands would have heavier plantings; that there was a handout outlining the process of DOT permitting; that it was a time-intensive project; that permission from billboard companies was required for some plantings; and that bids would be taken in February.

She further discussed that the downtown medians are not planned at this time; that handouts were available of the improvement plans for the area from Highbanks to Plantation Drive; that existing median plantings would be completed this year; that in the downtown area, there would be paver-style crosswalks created by impressing and coloring the asphalt; that bus benches and trash receptacles would be installed at six locations; and that 44 planters would be installed with trees and shrubs to beautify the downtown area. The Committee was complimented for its work.

6. Sign and Fence regulations, Gateway Corridor Standards Volusia County Planner Scott Ashley

Volusia County Planner Scott Ashley discussed the sign, fence and the Gateway Corridor regulation; that County regulations were in effect up until 1999 when the City created its own Land Development Code; that sign regulations were created for aesthetic enhancement and reduction of visual distraction; that monument-style signs of specified size were required; that a five-year amortization program had been implemented and was expiring in November of 2004; that a survey had been done at implementation of the City's own sign regulations; and that notices of non-compliance with the new regulations had been sent at the time the new regulations were adopted and new notices would be sent out regarding compliance with the five-year amortization period.

Mr. Ashley discussed fencing requirements; that there had been a five-year amortization period for fences as well; that certain aesthetic, setback and screening requirements were in force on the major corridors; that the regulations were modified in 2002 that disallowed wood fence materials; that fences were required to be in compliance by November 2004; that required heights were 6' for commercial and 8' for industrial fencings; and that barbed wire was prohibited other than for electrical substation sites.

It was discussed that Gateway Corridor Standards were adopted in 2003; that they encompassed sign and fence requirements as well as lighting and building standards; that guidelines pertained to areas of US Highway 17-92, East Highbanks Road, Saxon Blvd., Enterprise Road and Dirksen Road; that the standards would apply to new development or a remodel or expansion greater than 50% of assessed value or 35% of floor area of an existing building; that there were limited

selection of construction materials and colors; that the area from Dogwood Trail to Plantation Road along US Highway 17-92 was designated as the Village Center Overlay; that two-story facades were required by the Gateway Corridor standards for new construction; that building setbacks in the Village Center could be no greater than ten feet from the property line; that specific lighting standards were required; and that the CRA might be able to provide incentives for those enhancements.

Mac McShea, 71 Alano Road, asked when the speeds on US Highway 17-92 would be affected by the implementation of Gateway Standards. It was discussed that those matters would be dictated by FDOT regulations; that Gateway Standards did not address signalization; and that entryways onto properties to alleviate traffic were affected. City Manager Diamond discussed that FDOT had been requested to perform traffic studies at several intersections on US Highway 17-92; that the City had been informed that the areas did not yet qualify for additional signals; that the City Council had directed that a letter be sent requesting the 40 mph speed limit be extended further south; that FDOT had responded that their criteria were not met and the 50 mph speed limit would remain on the southern part of US Highway 17-92.

John Schuler, Freedom Mobility, asked whether he was required to change the sign on his property; that he wished to know what authority required his compliance. Scott Ashley discussed that the sign Ordinance would cause his sign to be non-conforming; that a five-year time period had been allowed to bring the signs into compliance. It was asked whether any financial assistance had been offered by the City and was discussed that a request or inquiry could be made to the City; that the Ordinance had been approved in 1999; that at the time the Ordinance was passed, approximately 60 businesses were affected. It was also asked whether there was any consideration for small business assistance and was answered that there was not a funded program in place at this time.

John Shea, DeBary Radiator, asked whether the City Manager was allowed to apply any discretion under the sign Ordinance to determine if a sign in non-compliance could be maintained. Mr. Ashley discussed that a record of maintenance, integrity and appearance could be presented to the City. Mr. Shea discussed further that he had received Code Enforcement letters regarding banners displayed by tenant businesses; that he had observed banners displayed at other businesses; asked if Code Enforcement had required removal of their banners; that he did not agree with some decisions made by the Code Enforcement officers; and that certain business owners were being discouraged in DeBary.

Doug McCain, DeBary Nursery, discussed that banners were allowed for non-profit organizations; that the same allowance should be made for companies bringing money into DeBary; and that assistance should be offered to business owners.

Mr. Ashley discussed that there were specific Ordinances and Land Use requirements applied to the downtown area; that established businesses could maintain non-conforming uses; that some uses would no longer be permitted for new businesses in the Village Overlay District in order to create an enhanced downtown area; that the determinations had been made by the City Council; and that the City was proposing long-term goals.

Danny Tillis, Tillis Pest Control, asked whether fences were allowed in the Corridor area. Mr. Ashley discussed that fences were allowed if conforming to materials, setbacks and landscape requirements; that new fencing would have to meet those requirements; that fences had to have a 20-foot setback with required landscaping; that if it was within 24 feet of the existing property line, specific materials were required; and that existing fences would have to meet the requirements.

Tom Kardos, Tom's Window Tinting and Custom Upholstery, discussed that the requirements were excessive for small business owners; that the expenses were excessive for small business owners for fence relocation; that he felt that the City was not supporting existing small business owners; and that the City should pay for modifications.

Mr. Ashley discussed that the Gateway Standards would only apply to a structure if specific expansion occurred to the business; that, at this time, only the fence and sign regulations required compliance; and that only new businesses or substantial improvements to an existing business would be required to meet Gateway Corridor regulations. It was further discussed that if the property line was within 24 feet of the roadway, masonry, aluminum, wrought iron, concrete or durable plastic materials was required; and that chain link fence could be used if the property line was beyond 24 feet.

It was asked if there was an Ordinance in effect that could provide funds for signage replacement. It was discussed that a program had been in effect in past years; that the program had not been funded recently; and that the EDAC had recommended funding of that program.

There was discussion that solid fencing was not required and that a clear view of a property was desirable from a safety or security standpoint.

It was noted that Doug Kelly, GAI, was available for follow-up questions regarding the CRA.

7. **Adjournment:** The meeting adjourned at 11:30 AM.

**APPROVED March 18, 2004
CITY OF DeBARY
Economic Development Advisory Committee**

Carol Lawrence, Chair