

City of DeBary
Regular Economic Development Advisory Committee Meeting
Thursday
March 18, 2004
7:00 PM

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, Tom Smith, Tom Donohoe, Lita Handy-Peters, Betty Gigantino

Absent: Tracy Good, Donald E. Kitner, and Dick Tosh

Also Present: City Manager Richard Diamond, Assistant City Manager Maryann Courson, Planner Anita Gonzalez and Vice Mayor George Coleman

Chair Lawrence reviewed the Agenda and thanked the public for their attendance and participation.

3. Approval of Minutes

January 31, 2004

February 26, 2004

Minutes were approved as presented.

**4. Consideration of CRA Finding of Necessity Report
(GAI Consultants, Inc.)**

Doug Kelly with GAI Consultants discussed the status of the report; that the final Finding of Necessity report had been submitted; that the report incorporated the revised boundary map and excluded the Meadowlea community; that the Finding of Necessity was formulated pursuant to State Statute criteria; that in 1997 the Future Land Use element of the Comprehensive Plan of the City of DeBary had included policies 3.206 and 3.207 requiring the preparation of a redevelopment plan for a portion of the City; that the City commissioned the report to comply with the Comprehensive Plan's requirements; that the boundary line identifies the area to be studied for the 14 statutory criteria that might qualify that area for a CRA; that this area had meet 6 to 7 of the statutory criteria; that only 1 to 2 of the statutory criteria was required for the creation of a CRA; that the redevelopment area comprised 21% of the land area of DeBary and 16% of the population; that the findings were finalized in the report; that a Market Analysis was prepared to provide revenue yield options in pursuing a CRA and types of funding that might be available; and that this information was provided to assist in the decision making process.

Mr. Kelly discussed that if the project was recommended for approval by the Economic Development Advisory Committee, the City Council would then take the matter under advisement; that the taxing authorities and the County would be notified; that if approved, the City Council could adopt a Resolution for the Finding of Necessity; that a Community Redevelopment Plan would then be commissioned and would determine the type of funding mechanism that would be utilized; that state and federal grants could be utilized or the use of bond funds considered; that the work of GAI was complete at this point; and that they would be available for any presentations of the material.

Mr. Kelly discussed that the finding of blight did not mean that all properties in an area were blighted; that the term was defined by State statutes; that the boundary line was not changed after Meadowlea was removed; that he would be happy to answer questions about the process to determining the boundaries; and that he would not have information on the master development plan or funding matters as those would be determined at a later date if a CRA was approved.

Chair Lawrence discussed that the CRA process had begun in January 2003 and was discussed at the meetings of the Economic Development Advisory Committee; that information had been made available to those members of the public who had attended those meetings; that the Committee Members were residents of DeBary with the best interests of the City in mind; that the terms of slum and blight appeared to be misunderstood in large part; and that no meetings or conversations regarding the matter had been held outside of the Sunshine Laws.

Committee Member Donohoe discussed that he had been an estate and financial planner for his entire career; that he empathized with the concerns of residents in DeBary; that he had concerns with unfounded information that might have been disseminated in the community regarding the CRA; that he hoped that information and terms would be made clear to the residents; and that he would like to see concerns allayed.

Doug Kelly discussed the definitions of a blighted area; that based on the State statute the definition was an area with a substantial number of deteriorating structures with conditions based on State-mandated statistics and/or studies that might lead to economic distress or endanger life or property; that two or more factors had to be present to qualify the area for a CRA. Mr. Kelly proceeded to read definitions of the blighted area factors listed as "A" through "M"; that the statutes term "blighted area" would mean at least one of those factors as identified was present.

Committee Member Donohoe enquired of Mr. Kelly if he could address concerns raised that Eminent Domain takings would occur. Mr. Kelly discussed that the criteria for slum and blight were not necessarily visually evident in DeBary; that if the CRA proceeded, the citizens would be part of the decision making process for the CRA Master Development Plan; the CRA dictates that any ad-valorem taxes, collected from increased property values after the CRA is created, must be spent within the study area; that funding could be applied to storm water retention, street beautification and programs as determined by the Master Development Plan; that the ad-valorem taxes could be used in different ways to provide those improvements; that the study did not indicate that anyone would lose property; that over 50 communities were using CRA funding for improvements; that the choice of programs would be identified by the City government and the community and would be

included in the Community Redevelopment Plan. Committee Member Donohoe discussed that the purpose of the Committee was to evaluate all of the options for redevelopment available to the City, including the option of a CRA.

Gabrielle Fender, 18 Hibiscus Drive, discussed that she appreciated the current character of DeBary; she enquired whether it could be put in writing that eminent domain would not occur on residential properties. Chair Lawrence discussed that she had copies of the State statute regarding eminent domain available to hand out; that she wished to clarify that assessed property values could still increase but additional ad-valorem tax revenue would stay within the CRA district; that eminent domain was a process requiring that a price be negotiated in advance with a property owner where possible; that if condemnation proceeded, the governing body would have to demonstrate to a 12- person jury that there was just cause; that fair market value was offered as determined by appraisals and all legal fees had to be paid by that government; that eminent domain could occur whether there was a CRA in place or not; and that the CRA could be a vehicle to control and direct growth within DeBary.

Gretchen Ganas, 432 Quail Meadow Court, discussed that she was part of a group gathering information regarding redevelopment; that information was available at www.castlecoalition.com; that she was concerned that misuse of CRAs may have occurred in some areas; that the strategic vision of the City was to preserve DeBary's atmosphere and quality of life; that she was concerned that lease prices would increase within DeBary; that she did wish to see other methods for improvements to DeBary; that she hoped that the public would work with the Committee and the Council; and that she had concerns with the type of development planned for DeBary.

Chair Lawrence discussed that DeBary was growing and would likely continue to grow and that control of that growth was a concern of the Committee.

Ms. Ganas discussed fair market values being offered for a property under eminent domain and legal fees paid by the government and that she had concern that it would strain the City financially if lawsuits were filed against the City. Chair Lawrence discussed that the meeting this evening was to discuss the findings; that if any eminent domain proceedings were ever necessary, the City would pay legal fees. Ms. Ganas also enquired whether the findings would be available to the public; that she was concerned with the crime statistics.

Christine Beaudini, 262 Clara Vista Street, discussed that she had been in DeBary since 1971; that she did not feel her area was blighted; that she did not feel the crime statistics were applicable to her area; that she hoped that factual information regarding issues raised in the community could be given; that she did not feel City expenditures had been equitably dispersed in all areas of the City; and that lighting and sidewalks were needed at Dirksen Drive near the Vistas.

It was discussed that Dirksen was a County road and not a City road. Doug Kelly was asked to clarify the crime statistics; that statistics did not include traffic accidents or citations; that a five-year period was used with information provided by the Sheriff's Department; and that crime statistics in the study area were compared with those outside of the study area.

Gertrude DeSantis, 161 Maple Drive, discussed that she understood the reasoning behind a CRA; that she still had concerns with eminent domain proceedings; that the CRA might be used as a tool in the future to take property; that she hoped that the Committee would vote against recommending the study to the City Council; and that the public should attend the City Council meeting.

Chair Lawrence responded that the Committee would recommend or not recommend based on the findings of the report; that the Economic Development Advisory Committee was an evaluative body; and that if the creation of a CRA occurred, the public was encouraged to participate in the process.

Michael Page, Volusia Drive, discussed that GAI had participated in CRAs in other communities; that he was not in favor of a CRA; that he did not agree with the classification of slum and blight in his area; and that he had concern with eminent domain.

Robert Gorman, 35 Seminole Drive, discussed that he owned a business in DeBary and had a background with the Attorney General's office for the State of Florida; that he represented Citizens Against Redevelopment; that he would ask that the Economic Development Advisory Committee withhold a decision on the CRA for one year to allow additional research on the matter; that sufficient time and notice of the proposed study had not been provided to the community; that he did not agree that the area met the conditions for slum and blight as defined in Florida Statute Chapter 163; that he did not agree with the crime statistics used in the study; and that the CRA could provide too much opportunity to exercise eminent domain.

Joe Canfield, 13 Hibiscus Drive, discussed that he did not agree that his area should be declared a slum and blight area; that he felt more time should be given to evaluate the CRA; and that he was concerned about effects on property taxes.

Cassandra Albrecht, 19 Volusia Drive, discussed that she was concerned with eminent domain; that she was concerned that low-income housing might be built in DeBary; and that she was not in favor of a CRA

Morton Culligan, 66 Tanglewood Road, discussed that he did not feel his area was blighted; that he was concerned with impact to taxpayers; that he was concerned that a CRA would provide another avenue to use eminent domain; and that he was not in favor of the CRA.

Keith Hartmann, 134 Sunrise Boulevard, discussed that he agreed with the remarks presented by other residents; that he did not agree with the designations of slum and blight areas; and that he would prefer that any decision be deferred for a year or more.

MarLee Grein, 34 Naranja Road, discussed that she was a long-time resident; that regarding the change of time of the meeting, additional advertising should have been done. Chair Lawrence responded that the time change had been made in an effort to accommodate the public; that there were errors in advertisements and apologized for the misunderstanding. Ms. Grein enquired how to determine what the fair market value of her home would be. Chair Lawrence responded that there

were no plans at this time to purchase any homes and that appraisals would have to be done if an eminent domain taking should occur.

John Cline, 31 Seminole Drive, discussed that he was a long-time resident; that he had lived in an area where a CRA had been implemented; that he did not feel that he lived in a blighted area; and that he was not in favor of a CRA.

Tim Gardner, 28 Jasmine Drive, discussed that he had an engineering background; that he felt that the data in the study might not be accurate; that he was concerned that the character of DeBary would not be preserved; that he had concerns that eminent domain might occur; that property values would decline if the area were declared blighted; and that he questioned the percentages that were included in the study.

Wanda Cinquegrani, 115 Homestead Avenue, discussed that she preferred the current character of DeBary; that she did not feel she was in a blighted area; that she was concerned that eminent domain might occur; that she was concerned with the type of development that might occur; and that she was not in favor of a CRA.

Michael W. Ponder, 27 Seminole Dr., discussed that he did not feel that he was in a blighted area; that he was concerned that property values would decline; and that more time should be given before making a decision.

Michael Davy, 17 Poinsettia Drive, discussed that he did not feel that he was in a slum area; that he enquired about the time frame used to determine that redevelopment was completed in an area; and that if a CRA was created, he was concerned who would benefit from the funding.

Linda Waczkowski, 134 Pine Tree Drive, discussed that she hoped the Committee would be attentive to the point of view that had been expressed by the previous speakers.

Rachel Berge, 115 Bonita Road, discussed that she was a long-time resident; that she appreciated the current character of DeBary; that she wished to enquired about eminent domain occurring in other CRA areas near Orlando; and that she was not in favor of a CRA in DeBary.

Deborah Aitcheson, 163 Lash Drive, discussed that she was not in a blighted area; that she did own commercial property and had attended meetings in the City; that as a retired Deputy Sheriff she had knowledge that DeBary had the lowest crime rate in Volusia County; that there were already issues with selling commercial property in DeBary; that she had concerns with Gateway Standards; that she did not agree that residential areas were included in the study; that building restrictions already in the City were excessive; that she was concerned that low-income housing would be built; that she was concerned with market value of properties if eminent domain occurred; and that she was of the opinion that further legal review would be appropriate.

John Likakis, 38 Seminole Drive, discussed that he felt more advertising of meetings should be done; that additional advertising and mailings should be done of agendas and minutes; that he felt the public should be provided more information; that he had concerns with development that might

occur in DeBary; that he was not in favor of the CRA; and that additional studies should be performed.

Gerald Dowling, 219 Lago Vista Street, discussed that he had questions regarding the determination of blighted areas; that he did not feel it applied to his residential area; that he did not agree with the boundaries; that he was not in favor of the CRA; and that more time should be taken to study the matter.

Dianna Davidson, 123 Sunrise Boulevard, discussed that she was a long-time resident of DeBary; that she did not feel that she was in a blighted area; that she appreciated the current character of DeBary; and that she was not in favor of a CRA.

Doug Whitley, 134 Naranja Road, discussed that he preferred the current character of DeBary; that he did not feel that he was in a blighted area; that he was not in favor of the CRA and requested that the Committee vote against a positive recommendation of the CRA; and that he felt that the designation had devalued his property and that of his neighborhood.

Mrs. Berge enquired about availability of meeting minutes. Chair Lawrence discussed that minutes would be available at City Hall and published on the City's web page. Mrs. Berge discussed that she felt that the minutes should be mailed to residents and that the tapes should be made available to the public.

Vincent Orlando, 342 Foxhill Drive, enquired regarding a petition that had been distributed for signatures; that he was considering a business in DeBary and would be concerned with doing so if lease rates would be adversely affected.

Thomas Hoffman, DeBary Drive, discussed that crime would be lower with greater assistance from the Sheriffs Department and that he preferred the current character of DeBary.

Tim Gardner, 28 Jasmine Drive, discussed that he did not feel that there was a crime issue in DeBary and that he felt that criminal elements were coming from other areas.

Doug McCain, 61 South Highway 17/92, discussed that he did not feel that his business should be considered to be in a blighted area; that he was not in favor of a CRA in DeBary; that funds should be available through the City; that he felt much of the commercial area was improving; and that the public should be involved with the meetings as much as possible.

Earnest Najorca, 39 Wisteria Drive, discussed that he preferred the current character of DeBary and that he asked that the Committee vote against a positive recommendation of the CRA.

Morton Culligan, 66 Tanglewood Road, enquired regarding the profession of the members sitting on the Economic Development Advisory Committee.

Chair Lawrence discussed the professions of the members of the Committee; that she understood the sentiments of the speakers; that she wished to clarify that the inclusion of the residential areas

did not necessarily indicate that eminent domain would occur. It was further discussed that the Economic Development Advisory Committee had been directed by the City Council to interview and hire the consultant for the study; that the purpose of the study was to determine whether there were sufficient findings of fact under the State statutes; that the consultant had found that certain definitions and conditions were met; that the Committee had the specific task of determining whether those findings supported the request; that the Economic Development Advisory Committee would vote on a recommendation; and that if the vote was favorable, the City Council would determine whether the process continued. Chair Lawrence further discussed that the public could make their opinions known to the City Council and that attendance at the City Council meetings would also give them that opportunity.

Chair Lawrence entertained a motion to approve or disapprove the report and send it to the City Council. Motion was made by Committee Member Donohoe to table the matter for one month to provide time for review by the City Attorney for clarification of definitions of the State statute. Committee Member Smith seconded the motion. There was discussion that the City Attorney would attend the next Economic Development Advisory Committee meeting to discuss his findings; that there were concerns with the definitions of eminent domain; and that the next meeting would be held on Thursday, April 15, 2003. The motion carried unanimously.

5. Other Business

Chair Lawrence reminded the public of the next meeting time and said that she hoped that they would attend.

6. Adjournment: The meeting adjourned at 8:55 PM

**APPROVED April 15, 2004
CITY OF DeBARY
Economic Development Advisory Committee**

Carol Lawrence, Chair