

City of DeBary
Regular Economic Development Advisory Committee Meeting
Thursday, June 17, 2004
7:00 PM
Florence K. Little Town Hall
12 Colomba Road DeBary, Florida

MINUTES

1 Call to Order - Chair Carol Lawrence

2. Roll Call

Present: Chair Carol Lawrence, Vice Chair Donald E. Kitner, Tom Smith, Lita Handy-Peters, Betty Gigantino, and Tom Donohoe

Absent: Tracy Good

Also Present: City Manager Richard Diamond, Vice Mayor George Coleman, and Planning Administrator Anita Gonzalez

3. Request by Florida Public Utilities for Third and Final Payment Under Jobs Growth Agreement

It was discussed that Mr. Kitner would not be eligible to vote on this matter, as he is employed by Florida Public Utilities. City Manager Diamond discussed that the first installment of the incentive was paid in July 2002 per the terms of the agreement; that the second installment was paid in the fall of 2003; that the request was submitted for the final installment from the Opportunity Fund; and that Staff recommended to forward a recommendation of approval to the City Council for the final payment of \$14, 666.67. It was discussed that the number of employees and average hourly wage under the Jobs Growth Agreement had been substantially exceeded.

Motion to approve was made by Committee Member Donohoe. Committee Member Handy-Peters seconded. Mr. Kitner was asked if he knew how many employees were residents of DeBary. He replied that he was aware of seven or eight; that employees from prior office locations had transferred to the DeBary office. The motion carried unanimously with Vice Chair Kitner abstaining.

4. Recommended Criteria for Non-Conforming Sign Matching Grant

City Manager Diamond discussed that the City Council had requested the Economic Development Advisory Committee to develop criteria for a matching grant for legal non-conforming signs; that criteria for business grants already exists in City ordinances; that a separate grant application was suggested just for non-conforming signs; and that the funding amount had been discussed but not yet determined by the City Council.

There was discussion of a letter received from Mr. Canfield; that it had contained suggestions regarding signage; and that the matter to be addressed at this time by the Economic Development Advisory Committee referred to legal non-conforming signs only.

It was discussed that it would be an opportunity to encourage businesses to install signs to meet new regulations; that up to \$5,000 in matching funds could be granted; that there were more than two dozen legal non-conforming signs; that Volusia County Code Enforcement had been asked to perform an updated inventory; and that permitting would also be reviewed to determine whether a sign was a legal non-conforming sign.

There was discussion of the issue of signs installed under previous regulations; that the new ordinance had imposed a time frame to meet the new criteria; and that the City Council of the City of DeBary had extended this period. It was also discussed that a recommendation could be made to the City Council that the ordinance should be revised and that, if a sign had been properly permitted under the original ordinance and was still in good condition, it should be allowed to remain.

It was discussed that a determination should be made of what constituted “good condition;” that provisions differed in other municipalities and allowed grandfather clauses with specific criteria for condition, repair limits or replacement; that there had been provisions in the sign ordinance allowing the City Manager to make determinations to allow non-conforming signs to remain; that insufficient criteria were included; and that it did not appear to be objective criteria.

It was discussed that there was no longer an annual renewal of sign permits; that a yearly inspection could be made by a qualified inspector to determine condition and renewal; that there was not a provision for collection of yearly fees in the City ordinance; that fees had been assessed without inspections; that the County had a provision for annual permit renewal, but the City of DeBary did not; and that any fees paid this year would be refunded by the County of Volusia.

Vice Mayor Coleman was consulted regarding the consensus of the City Council of the City of DeBary on this matter. Vice Mayor Coleman discussed that the Council had agreed to extend amortization an additional three years; that it was his understanding that a grant process would promote conformance to new criteria; and that an additional extension might be granted by a new City Council in the future.

It was discussed that it was incumbent that the Committee provide criteria as directed by the City Council; that the Committee could choose to make additional recommendations for the consideration of the City Council; that notification could be made to those business owners with non-conforming signs with more detailed information; that there had been prior mailings regarding the ordinance change and the amortization; and that the application documents should provide additional detail, such as where to obtain the verification letter from Volusia County.

There was also discussion of the possibility of allowing existing permitted non-conforming signs to be grandfathered in with some provision for condition; that it might be appropriate for the Economic Development Advisory Committee to suggest options that would be of benefit to

those doing business in DeBary; that it would need to also be determined whether some signs would still meet the original permit criteria under which they were installed; that the County should advise business owners of the legal status of their sign; that the inventory being taken by Code Enforcement would allow notices to be sent; that business owners could go to the County to obtain letters; and that information should be inserted as to which department the owners should apply.

Discussion went forward that the additional three-year amortization allowed time to apply for assistance to obtain a conforming sign; that there was indication that the City Council would fund the grant; that they would be provided on a first-come first-served basis; and that it would be at the discretion of the business owners to take advantage of the fund.

Chair Lawrence entertained a motion to adopt the Sign Matching Grant application and acknowledgment statement with modifications to the instructions. Motion was made by Committee Member Handy-Peters to adopt the Sign Matching Grant application with minor modifications and the acknowledgement statement. Committee Member Smith seconded. There was additional discussion that the vote was only to recommend the grant criteria to be used to the City Council and that additional recommendations could be discussed as a separate issue. The motion carried unanimously with Committee Member Donohoe abstaining due to absence during previous discussions of this matter.

Discussion continued regarding other recommendations for the City Council; that Chair Lawrence had received a copy of a letter from Joe Canfield with suggestions for five sign types to be addressed; that they included: (1) un-permitted signs, to be removed in 30 calendar days and not eligible for financial assistance and a new sign required to meet Code; (2) permitted signs not meeting permit description to be corrected and eligible for financial assistance; (3) signs permitted and in good repair and meeting current Code should be allowed to remain and be eligible for financial assistance; (4) signs that were permitted but no longer usable; that they should be replaced by signs meeting current Code and be eligible for financial assistance; and (5) new signs should be required to meet current Code and not be eligible for financial assistance.

Mr. Canfield's letter also noted that legal non-conforming signs should be grandfathered in as long as serviceable and usable; that a variety of sign types should be allowed to provide more aesthetic interest; and that an electronic photographic and permit record should be kept. It was noted that Mr. Canfield's letter would be provided to City Staff for the record.

Douglas McCain, 61 South Highway 17-92, discussed that he had concerns in having a sign that was permitted and was in non-compliance; that he questioned what entity determined whether a sign was appropriate; that signs that were not permitted or no longer met Code should be required to come into compliance; that, during inventory, the County should provide an inspector to determine whether the sign was still as permitted; that the cost of new signs was prohibitive; that un-permitted signs should be targeted; that he felt signs that had been permitted and were in good repair and use should be grandfathered; that criteria should be more specific; and that a qualified person should be making the determination of condition and status of permits.

It was discussed further that legally non-conforming signs should be grandfathered in; that signs not in good repair or meeting Code requirements or not having permits should be targeted for requiring replacement; that there were signs existing in the City without permits; that the sign renewal fees had only recently been suspended; that business owners should be notified that permit renewal fees were no longer due; and that the County would send refunds if the fee had been paid.

City Manager Diamond was asked why the City did not allow an annual renewal fee. City Manager Diamond discussed that the City's fee schedule did not include any annual inspection process and that, at the time of the City's incorporation, the City had elected not to perform proactive Code Enforcement against non-permitted signs. It was further discussed that recommendations could be made to alter the ordinance to allow legally-permitted signs in good repair to be grandfathered; that a County inspection should be made to determine the condition of the sign; and that those without legally permitted signs should be pursued.

There was discussion that an annual inspection without a renewal fee could be performed to address those signs that deteriorated over time; that a list of basic criteria could include items such as: no visible rust, peeling paint, working lights, missing or broken plastic or covers, no dents and appropriate paint; and that the City Attorney might be able to formulate appropriate language. City Manager Diamond noted that changes to the ordinance under consideration by the City Council of the City of DeBary were that legally non-conforming signs could continue but could not be enlarged, replaced or repaired beyond a certain percentage and that there were no criteria for condition.

There was further discussion that if a sign were to become in disrepair, there should be some enforcement process; that the term "structurally sound" would not address cosmetic or some repair issues; that there should be some criteria for maintenance; that the current language in the ordinance was not clear and would probably be removed; that there should be some avenue to enforce certain criteria; and that most business owners would probably be willing to address maintenance and appearance issues.

It was discussed that sample ordinances could be collected from other municipalities; that recommendation could be made that the City Council develop objective criteria for signs to be grandfathered in; that non-permitted signs should be pursued and required to comply; that the annual fee should be re-implemented and include an inspection process; that the fee process was debatable; that the fee could be the cost to inspect; and that another alternative was to have a proactive Code Enforcement process implemented.

It was discussed that the issues should be expressed as a motion for recommendation to the City Council that legally non-conforming signs should be grandfathered and future amortization eliminated; that certain objective criteria should be developed defining condition; and that proactive Code Enforcement should be imposed to enforce illegal signs through the Code Enforcement process.

Motion was made by Committee Member Kitner to recommend to the City Council of the City of DeBary to eliminate the amortization period, to develop objective criteria for determining the

condition of signs; and that Code Enforcement be pro-active for signs that were not permitted. Committee Member Smith seconded. The motion carried unanimously.

Mr. McCain thanked the Committee for their efforts on behalf of the business community; that he would make efforts to approach other business owners to improve conditions in the City.

5. Other Business

Norm Eriksen, 15 Azalea Drive, enquired what the change to the City ordinance would be in complying with County requirements. It was discussed that the County provided contracted services to the City and that the City imposed its own ordinances. It was also discussed that the City Council would be reviewing Gateway Standards and the Village Overlay District at the upcoming workshop on July 21, 2004.

Committee Member Donohoe discussed that he had provided a letter of resignation to Chair Lawrence with copy to the City Manager; that he had served the community on many committees; that he was moving out of the area in the near future and would no longer be able to serve; that he complimented Chair Lawrence on her direction of the Economic Development Advisory Committee; and that he thanked the Committee as a whole for their service.

Chair Lawrence thanked Committee Member Donohoe for his contributions and service over the years.

City Manager Diamond discussed the joint partnership with the County to provide incentives to Electronic Fasteners for jobs for the community; that the company had issues regarding the property they were to have purchased and might reconsider the move to Volusia County; that the City had been working also with Volusia County Economic Development Department to encourage Millennium Luxury Coaches to relocate; that the City may not be able to provide incentives due to time factors; that Volusia County was providing some assistance; that the pre-budget process for fiscal year 2004-2005 still included a requirement for a redevelopment plan under the Comprehensive Plan; and that it would have no relation to CRA or tax increment processes.

6. Adjournment The meeting adjourned at 8:20 PM.

**APPROVED August 19, 2004
CITY OF DeBARY
Economic Development Advisory Committee**

Carol Lawrence, Chair