

RESOLUTION 2014- 164

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, DELEGATING TO THE CITY OF NEW SMYRNA BEACH, FLORIDA, LIMITED COMMUNITY REDEVELOPMENT POWERS WITHIN A PORTION OF THE CITY; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA; THIS 11TH DAY OF DECEMBER, 2014 AS FOLLOWS:

SECTION 1. *Delegation of Authority.* The county council delegates the community redevelopment powers conferred upon it by chapter 163, part III, Florida Statutes, to the City of New Smyrna Beach for 20 years within that portion of the city legally described in exhibit A, subject to statutory requirements and the terms of this resolution. The city may not expand or modify the delegation. The county council reserves its right to revoke or amend the delegation. The delegation made hereby shall commence upon the expiration of the delegation made by Resolution 85-87, as amended by Resolution 85-116, and shall not be considered an extension thereof.

SECTION 2. *Finding of necessity; creation of agency adoption and review; and amendment of plan.*

a. The county council authorizes the city council to find necessity pursuant to sections 163.355 and .340(8), Florida Statutes.

b. The city may create a community redevelopment agency, pursuant to 163.356, Florida Statutes. Only the members of the city council shall serve as members of the agency, pursuant to 163.357(1) (a) and (b), Florida Statutes. The city council as the agency shall adhere to the provisions of section 163.358, Florida Statutes.

c. The city council may adopt a community redevelopment plan, substantially in the form of exhibit B, pursuant to sections 163.358 and .360, Florida Statutes; provided that the terms of this resolution shall control over any portion of the plan with which it may conflict. The projects listed in the capital improvement plan shall be prioritized to ensure that projects in the Historic Westside and US 1 Corridor shall be included in the first ten years of the community redevelopment area.

d. Neither the city nor the agency shall deviate from the projects set forth in the plan, including their nature, size design, location, schedule and estimated cost, without a plan amendment. The agency shall review the plan annually and update it every five years. The agency prior to adoption shall submit to the county council for its review and approval any plan amendment which alters the use of the county increment for capital projects.

SECTION 3. *Redevelopment Trust Fund.*

a. The city council by ordinance shall establish a redevelopment trust fund pursuant to section 163.387, Florida Statutes, to which no other taxing district than the county or city need contribute. The most recent assessment roll used in connection with the taxation of property prior to adoption of the ordinance shall constitute the base year to compute the amount of any contribution by the county and city.

b. The county shall contribute to the trust fund only from its general fund, not from any other, at a millage rate which does not exceed that of the city millage rate used to compute its contribution.

c. Of the increment computed annually according to section 163.387, Florida Statutes, but with millage pursuant to 3.b. above, the county shall pay 95% up to \$1 million; 75% between \$1 million and \$2 million; and 50% above \$2 million. (For example, the county shall contribute \$950,000 of the first \$1 million of each year's increment.)

d. The county contribution will be used solely for the direct cost of publicly owned capital projects identified in the redevelopment plan. Direct cost shall include the fully loaded compensation of city employees for time attributable directly to project design, survey, engineering, construction, testing and inspection; but shall not include any of that for administrative, supervisory, clerical, legal and support services. Landscaping shall be considered a capital item only as subsidiary component of construction. The county contribution shall fund no more than 50% of the direct cost of any capital project.

e. The city contribution likewise shall be used only for the direct cost of publicly owned capital items described in the redevelopment plan, except that it also may be used for façade/property improvement grants. The city shall bear all administrative costs and overhead of the agency from non-agency funds. The county council shall re-evaluate the authorization for uses of the city contribution after five years.

SECTION 4. *Reporting; budget.*

a. The agency shall conform to a uniform system of reporting established from time to time by the county and not less than annually shall make a presentation to the county council.

b. The agency shall submit its proposed budget for the next fiscal year to the county for review and comment prior to agency adoption and no later than August 1 of each year. The county will respond with any questions or comments within 30 days of receipt of the proposed budget. The agency shall not make any material changes to its budget without prior notice to the county.

SECTION 5. *Coordination; Recognition.*

a. The agency shall ensure that the designated county representatives, including the appropriate Volusia County Council district member and a county staff representative shall be given timely notice, at least contemporaneously with the notice given to CRA board members, prior to any CRA meeting and given an opportunity to attend and participate.

b. The agency will include the county when recognizing contributing partners in print and electronic media as well as formal events such as groundbreaking, ribbon cuttings and activities celebrating CRA successes, including the following:

1. Participation in planning and updating process;
2. Printed material including newsletters, flyers, advertisements and invitations;
3. Digital materials including websites, email campaigns and announcements;
- and
4. Construction signs.

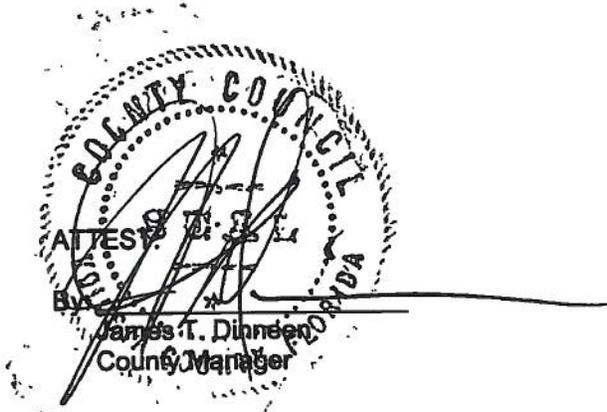
SECTION 6. *Agreements.* The agency may enter into agreements, including agreements with developers of real estate located within the boundaries of the redevelopment area, only as contemplated and provided in the plan.

SECTION 7. *No county liability.* Nothing contained herein shall impose any liability upon the county for any acts of the city or the agency.

SECTION 8. *Non-severability.* The provisions of this resolution are not severable. If any part of this instrument is held invalid by a court of law or is superseded by statute, this resolution shall be deemed void and of no further effect.

SECTION 9. *Effective date.* This Resolution shall become effective immediately upon adoption.

DONE AND ORDERED IN OPEN MEETING.



James T. Dinneen
County Manager

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

By _____
Jason F. Davis
County Chair