

RESOLUTION 2020-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, RELATING TO COMMUNITY REDEVELOPMENT; AMENDING OR MODIFYING THE COMMUNITY REDEVELOPMENT PLAN; MAKING CERTAIN FINDINGS AND DETERMINATIONS; APPROVING AN AMENDMENT TO THE NORTH MAGNOLIA COMMUNITY REDEVELOPMENT PLAN TO ALLOW FOR A SMALL BUSINESS EMERGENCY ASSISTANCE PROGRAM AND TO INCORPORATE ALL POWERS ALLOWED BY CHAPTER 163 PART III F.S. INTO THE NORTH MAGNOLIA COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR THE USE OF TAX INCREMENT FUNDS; PROVIDING FOR NOTIFICATION TO THE TAXING AUTHORITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS:

- A. As used herein, the terms defined in Section 163.340, Florida Statutes, have the meanings as set forth therein. Further, as used herein, the "Redevelopment Act" refers to Part III, Chapter 163, Florida Statutes;
- B. By Resolution No. 88-37, adopted by the Ocala City Council ("City Council") on March 15, 1988, City Council found that one or more slum or blighted areas existed within the City in the area described in the Resolution (the "Downtown Redevelopment Area"), and that the rehabilitation, conservation or redevelopment, or combination thereof, of such area was necessary in the interest of public health, safety, morals or welfare of the residents of the City. Pursuant to such Resolution, the Downtown Redevelopment Area became the City's Community Redevelopment Area;
- C. Pursuant to Resolution No. 88-48, adopted by City Council on April 12, 1988, City Council created the Community Redevelopment Agency ("Agency"), and designated the City Council as the Agency pursuant to Section 163.357, Florida Statutes;
- D. By Resolution No. 88-52, adopted by City Council on May 24, 1988, the City adopted a Community Redevelopment Plan for the Downtown Redevelopment Area;
- E. By Resolution No. 2000-07, adopted by City Council on November 2, 1999, the City modified the Community Redevelopment Plan. The modification included a change to the Community Redevelopment Area boundary designating a part of the Redevelopment Area as the "Downtown Redevelopment Area," and the other part as "North Magnolia Redevelopment Area," and the adoption of the "North Magnolia Redevelopment Area Community Redevelopment Plan" dated June 22, 1999;
- F. By Resolution No. 2006-43, adopted by City Council on March 28, 2006, the City modified the Community Redevelopment Plan. The modifications extended the redevelopment trust fund and the North Magnolia CRA Subarea to December 31, 2038;
- G. By Resolution No. 2019-38, adopted by City Council August 20, 2019, the City modified the Community Redevelopment Plan by replacing the North Magnolia Redevelopment Area Community Redevelopment Plan - 1999 with the North Magnolia Redevelopment Area Community Redevelopment Plan - 2019;
- H. The North Magnolia Redevelopment Plan Amendment has been prepared and completed in

accordance with the Redevelopment Act;

- I. The Agency approved the proposed North Magnolia Redevelopment Plan Amendment on July 21, 2020, and recommended its adoption to City Council;
- J. The Agency submitted the Amendment to the City Council and to each taxing authority that levies ad valorem taxes on taxable real property within the geographic boundaries of the North Magnolia Redevelopment Area;
- K. Notice to adopt the proposed North Magnolia Redevelopment Plan Amendment was given to all taxing authorities pursuant to Section 163.346, Florida Statutes;
- L. A public hearing notice regarding the proposed North Magnolia Redevelopment Plan Amendment was issued in accordance with the Redevelopment Act; and
- M. All prerequisites under the Redevelopment Act having been accomplished, it is now appropriate and necessary in order to proceed further with redevelopment of the Community Redevelopment Area in accordance with the Redevelopment Act that the North Magnolia Redevelopment Plan be amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA:

- 1. **Incorporation.** The above matters are incorporated herein.
- 2. **Reaffirmation of Prior Resolutions.** The Resolutions described above are reaffirmed.
- 3. **Findings Concerning Adoption of the Modified Plan.** City Council does hereby find that:
 - a. The modification to the Community Redevelopment Plan being made by this Resolution (the "Modified Plan") has been prepared, proposed and approved as required by the Redevelopment Act.
 - b. City Council hereby approves community redevelopment of the Community Redevelopment Area pursuant to the Community Redevelopment Plan, as modified by this Resolution in that:
 - 1). Even though no families are anticipated to be displaced as a result of community redevelopment as proposed in the Modified Plan, a feasible method exists for the location of any such families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;
 - 2). The Modified Plan conforms to the general plan of the City as a whole;
 - 3). The Modified Plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the sites covered by the Modified Plan; and
 - 4). The Modified Plan will afford maximum opportunity, consistent with the sound

needs of the City as a whole, for the rehabilitation or redevelopment of the Community Redevelopment Area by private enterprise.

- c. The Modified Plan is consistent with and conforms to the provisions of the City's Comprehensive Plan in effect on the date hereof.
 - d. The Modified Plan is a sufficient and adequate plan for carrying out community redevelopment in accordance with the Redevelopment Act.
 - e. It is appropriate, proper and timely that the Modified Plan be approved at this time so that the Redevelopment Act, and other resolutions, ordinances and laws may be utilized to further redevelopment within the Community Redevelopment Area, including the North Magnolia Redevelopment Area.
4. **Approval of Modified Plan.** City Council does hereby approve, pursuant to Sections 163.360 and 163.361, Florida Statutes, the Modified Plan to be included as part of the Community Redevelopment Plan for the Community Redevelopment Area. As a result of such action, the Modified Community Redevelopment Plan consists of the following documents:
- a. The document entitled "City of Ocala Community Redevelopment Plan," prepared by Henigar and Ray Engineering Associates, Inc., and approved by the Agency on May 17, 1988, a copy of which was attached to Resolution 88-52 as Exhibit B. This document shall serve as the first part of the Community Redevelopment Plan for the Downtown Redevelopment Area;
 - b. The document entitled "City of Ocala Downtown Master Plan" dated January 2004, a copy of which is attached to Resolution 2006-43 as Exhibit A. This document shall serve as the second part of the Community Redevelopment Plan for the Downtown Redevelopment Area;
 - c. The document entitled "West Ocala Redevelopment Area Community Redevelopment Plan" dated March 17, 2015, a copy of which is attached to Resolution 2016-10 as Exhibit A. This document shall serve as the first part of the Community Redevelopment Plan for the West Ocala Redevelopment Area;
 - d. The document entitled "East Ocala Redevelopment Area Community Redevelopment Plan" dated May 17, 2016, a copy of which is attached to Resolution 2016-32 as Exhibit A. This document shall serve as the first part Community Redevelopment Plan for the East Ocala Redevelopment Area;
 - e. The document entitled "West Ocala Community Redevelopment Plan Amendment" dated May 9, 2017, a copy of which is attached to Resolution 2017-41 as Exhibit A. This document shall serve as the second part of the Community Redevelopment Plan for the West Ocala Redevelopment Area;
 - f. The document entitled "North Magnolia Redevelopment Area Community Redevelopment Plan" dated August 20, 2019, a copy of which is attached to Resolution 2019-38 as Exhibit A. This document shall serve as the first part of the Community Redevelopment Plan for the North Magnolia Redevelopment Area;
 - g. The document entitled "Ocala Midtown Master Plan" dated June 2017, a copy of which is

attached to Resolution 2019-36 and Resolution 2019 - 37 as Exhibit A. In the area where the “Ocala Midtown Master Plan” overlaps the Downtown Redevelopment Area, this document will serve as the third part of the Community Redevelopment Plan for the Downtown Redevelopment Area. In the area where the “Ocala Midtown Master Plan” overlaps the East Ocala Redevelopment Area, this document will serve as the second part of the Community Redevelopment Plan of the East Ocala Redevelopment Area;

- h. The document entitled North Magnolia Redevelopment Plan Amendment - August 2020 and attached hereto as Exhibit A. This document shall serve as the second part of the Community Redevelopment Plan for the North Magnolia Redevelopment Area;
- i. The document entitled Downtown Redevelopment Plan Amendment - August 2020 a copy of which is attached to Resolution 2020-41 as Exhibit A. This document shall serve as the fourth part of the Community Redevelopment Plan for the Downtown Redevelopment Area;
- j. The document entitled West Ocala Redevelopment Plan Amendment - August 2020 a copy of which is attached to Resolution 2020-44 as Exhibit A. This document shall serve as the third part of the Community Redevelopment Plan for the Downtown Redevelopment Area;
- k. The document entitled East Ocala Redevelopment Plan Amendment - August 2020 a copy of which is attached to Resolution 2020-42 as Exhibit A. This document shall serve as the third part of the Community Redevelopment Plan for the East Ocala Redevelopment Area;and,
- l. All the foregoing documents shall be considered to be a single Community Redevelopment Plan for the purposes of the Redevelopment Act.

5. Use and Calculation of Tax Increment Funds.

- a. The Community Redevelopment Agency shall utilize the funds and revenues paid into and earned by the Fund for community redevelopment purposes as provided in the Community Redevelopment Plan for each Subarea and as permitted by law (including the City Code). The Fund shall exist for the duration of the community redevelopment undertaken by the Community Redevelopment Agency pursuant to the Community Redevelopment Plan for each Subarea to the extent permitted by the Redevelopment Act and applicable law. Moneys shall be held in the Fund by the City for and on behalf of the Community Redevelopment Agency, and disbursed from the Fund as provided by the Redevelopment Act, the City Code, Resolution, or the Community Redevelopment Agency.
- b. The tax increment to be paid by each taxing authority for the North Magnolia Redevelopment Area shall be determined annually and shall be that amount equal to 95 percent of the difference between:
 - 1). The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the North Magnolia Redevelopment Area as amended; and
 - 2). The amount of ad valorem taxes which would have been produced by the rate

upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the North Magnolia Redevelopment Area as amended and as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority for 1987 which is the base year for the North Magnolia Redevelopment Area.

- 6. **Duration of Plan and Fund.** The duration of the Modified Plan for the North Magnolia Redevelopment Area, and therefore of the Fund and of the required deposit of tax increment revenues into the Fund for purposes of the North Magnolia Redevelopment Area, is December 31, 2038.
- 7. **Continuation of Fund.** This Resolution does not impair, diminish or restrict the effectiveness, validity of continuation of the Fund created and established by Ordinance No. 2009, enacted by the City Council on June 28, 1988, or any amendments thereto adopted prior to the effective date of this Resolution.
- 8. **Notification to Taxing Authorities.** The City Clerk is hereby authorized and directed to notify all taxing authorities of the adoption of this Resolution.
- 9. **Effective Date:** This Resolution shall take effect immediately upon its adoption.

This resolution adopted this 18 day of August, 2020.

CITY OF OCALA

By: Jay A. Musleh
Jay A. Musleh
President, Ocala City Council

ATTEST:
By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

Approved as to form and legality:
By: W. James Gooding III
Patrick G. Gilligan
City Attorney W. James Gooding III
Assistant City Attorney

**Exhibit A – North Magnolia Redevelopment Plan Amendment – August 2020
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The following language is added into Chapter III. Findings - Section 3.3 - Economy & Business Environment

Small Business Emergency Assistance Program

From time to time, a public emergency or disaster may cause severe, temporary economic disruption within the Ocala CRA Redevelopment subareas such that blight is likely to arise unless government intervenes. In the case of such an emergency, the Ocala CRA may establish a Small Business Emergency Assistance Program when it determines business assistance is necessary to help protect its redevelopment objectives, to protect its investment into capital improvements and to help alleviate the danger of slum and blight spreading within the redevelopment area. The scope and form of the business assistance provided will depend on the available resources as well as the character of the emergency.

The following language is added into Chapter IV. Goals, Objectives and Strategies - Section 4.4 – Goal 4: Economic Development

Objective 4.3: The CRA may provide business assistance in any form allowable under the Redevelopment Act and general law, including but not limited to:

- Providing businesses with consulting services in applying for other forms of government assistance, such as stimulus funds or disaster loans.
- Direct monetary relief in the form of bridge loans or payments.
- Targeted purchasing of redevelopment services.
- Expedited spending on other redevelopment objectives, such as storefront rehabilitation.

The Program may include eligibility criteria to ensure that the assistance goes to otherwise- resilient businesses which are in danger of closing due to the emergency. The criteria shall include the following requirements in addition to any other criteria the CRA determines to be necessary or desirable:

- Physical presence in the redevelopment area.
- Demonstrated financial viability absent the emergency.
- Demonstrated need caused by the emergency.

The CRA may attach conditions to the business assistance as necessary or desirable to ensure the assistance is used for its intended public purpose, such as:

- A requirement that the recipient spend any business assistance funds only on locations within the redevelopment area.

- A temporary prohibition against shareholder dividends.
- A requirement that the business remain open and/or maintain certain staffing levels for a period of time.
- Recordkeeping requirements regarding the use of any funding.
- A requirement of a personal guarantee from a chief executive or owner of the business.
- When appropriate, a requirement to provide in-kind services to the CRA for other redevelopment efforts.
- In the case of assistance in the form of loans, partial forgiveness of the loans in the case that the business successfully performs the requirements above.

The following new Section 6.5 is added to Chapter VI.

6.5. Incorporating All Powers Allowed to CRAs Chapter 163 Part III, F.S.

Chapter 163 Part III F.S. provides Community Redevelopment Agencies (CRAs) with certain powers and abilities to carryout redevelopment activities in a community redevelopment area. A CRA must adopt a Community Redevelopment Plan identifying the redevelopment activities it intends to carry out in the redevelopment area. To ensure that the Ocala Community Redevelopment Agency is able to utilize all the powers and abilities granted to CRAs in the Florida Statutes, the Redevelopment Plan needs to formally state that all powers and abilities granted to CRAs by Florida Statute are incorporated into the Plan, if they are not already specifically stated in the Plan.

- In addition to the stated objectives, projects, programs and redevelopment activities in this Redevelopment Plan, the Plan incorporates all the powers and abilities provided to CRAs in Chapter 163 Part III F.S.