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RESOLUTION 2014- 159

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, DELEGATING TO THE CITY OF EDGEWATER, 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 20<sup>TH</sup> DAY OF NOVEMBER, 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 Edgewater 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.

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; and approves and ratifies the city's May 5, 2014, finding within the boundaries for which authority is delegated.

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.

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

1 plan amendment. The agency shall review the plan annually and update it every five years.  
2 The agency prior to adoption shall submit to the county council for its review and approval  
3 any plan amendment which alters the use of the county increment for capital projects.

4 SECTION 3. *Redevelopment Trust Fund.*

5  
6 a. The city council by ordinance shall establish a redevelopment trust fund  
7 pursuant to section 163.387, Florida Statutes, to which no other taxing district than the  
8 county or city need contribute.

9 b. The county shall contribute to the trust fund only from its general fund, not  
10 from any other, at a millage rate which does not exceed that of the city millage rate used to  
11 compute its contribution. Of the incremental revenue computed annually pursuant to the  
12 statute, the county shall pay 95% up to \$1 million; 75% between \$1 million and \$2 million;  
13 and 50% above \$2 million. (For example, the county shall contribute \$950,000 of the first \$1  
14 million increment.) The county contribution will be used solely for the direct cost of publicly  
15 owned capital projects identified in the redevelopment plan. Direct cost shall include the  
16 fully loaded compensation of city employees for time attributable directly to project design,  
17 survey, engineering, construction, testing and inspection; but shall not include any of that for  
18 administrative, supervisory, clerical, legal and support services. Landscaping shall be  
19 considered a capital item only as subsidiary component of construction. The county  
20 contribution shall fund no more than 50% of the direct cost of any capital project.

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

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1           **SECTION 4. *Reporting; budget.***

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

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

10           **SECTION 5. *Coordination; Recognition.***

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

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

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

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

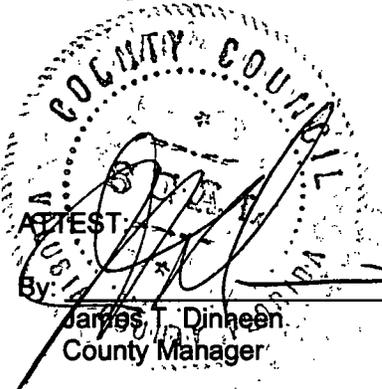
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5 SECTION 7. *No county liability*. Nothing contained herein shall impose any liability  
6 upon the county for any acts of the city or the agency.

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

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

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DONE AND ORDERED IN OPEN MEETING.

The seal of the Volusia County Council is circular with the words "VOLUSIA COUNTY FLORIDA" around the perimeter and "COUNTY COUNCIL" in the center. A signature is written across the seal.  
By: \_\_\_\_\_  
James T. Dinneen  
County Manager

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Jason F. Davis  
County Chair