

ORDINANCE NO. 2021-37

AN ORDINANCE OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AMENDING THE OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT PLAN PURSUANT TO A DELEGATION OF AUTHORITY BY BREVARD COUNTY RESOLUTION 2021-083; MAKING FINDINGS; AMENDING CHAPTER 20 OF THE CITY CODE, ENTITLED "COMMUNITY PLANNING AND DEVELOPMENT"; AMENDING ARTICLE VI, OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY AND INTERPRETATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN ADOPTION SCHEDULE.

WHEREAS, pursuant to Chapter 163, Part III, Florida Statutes, the City operates a Community Redevelopment Agency ("CRA") known as the Olde Eau Gallie Riverfront CRA (the "Agency") within the area established by the City Council and described in Section 20-202 of the City Code; and

WHEREAS, Section 163.361, Florida Statutes, provides that if it becomes necessary or desirable to amend or modify a redevelopment plan, a governing body may amend such plan upon the recommendation of the agency; and

WHEREAS, Brevard County, the City, and the Agency recently entered into an Interlocal Agreement regarding the projects and termination date of the Agency; and

WHEREAS, Brevard County has delegated authority to the Melbourne City Council to modify the community redevelopment plan, as provided in Florida Statutes, Section 163.358, and consistent with Brevard County Resolution No. 2021-083; and

WHEREAS, adoption of this ordinance establishes a new termination date of September 30, 2038 for the Agency; and

WHEREAS, the revisions to Chapter 20, Article VI of the City Code set forth in this ordinance are intended to be consistent with Brevard County Resolution 2021-083 and the

associated Interlocal Agreement executed on May 4, 2021 and recorded on May 24, 2021 in Official Records Book 9131, Page 321, Public Records of Brevard County, Florida; and

WHEREAS, the amendment to the redevelopment plan describing the parking facilities project, including the estimated cost and financing for implementation by the CRA, is attached as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Olde Eau Gallie Riverfront CRA Advisory Committee and the Local Planning Agency reviewed the plan and found the proposed amendment to the redevelopment plan to be consistent with Section 163.360, Florida Statutes, and the Comprehensive Plan.

BE IT ENACTED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That attached hereto as Exhibit A and incorporated herein by this reference is the amendment to the Olde Eau Gallie Riverfront Community Redevelopment Plan dated August 24, 2021.

SECTION 2. That the termination date of the Agency is extended through September 30, 2038.

SECTION 3. That Chapter 20, Article VI of the City Code of Melbourne, Florida is hereby amended as follows:

CHAPTER 20. COMMUNITY PLANNING AND DEVELOPMENT

* * * *

ARTICLE VI. OLDE EAU GALLIE RIVERFRONT COMMUNITY REDEVELOPMENT AGENCY

Sec. 20-200. Created.

By virtue of City Resolution No. 1657, adopted on September 12, 2000, the Olde Eau Gallie Riverfront Community Redevelopment Agency was created within the city. The north expansion and south expansion areas became a part of the community redevelopment area by virtue of the adoption of Resolution No. 1939, adopted June 28, 2005, making a finding of blighted conditions, and Ordinance No. 2005-77. The Pineapple Shores expansion area became a part of the community redevelopment area by virtue of the adoption of Resolution No. 3503, adopted July 14, 2015, making a finding of blighted conditions, and Ordinance No. 2015-31. Ordinance 2021-

37 is a redevelopment plan amendment, including an extension of the Agency termination date. Pursuant to F.S. §§ 163.356(1) and 163.357(1)(b), while the city council sits as the governing body of the community redevelopment agency, the community redevelopment agency is constituted as a public body, corporate and politic, and as a legal entity, separate, distinct, and independent from the city council.

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Sec. 20-205. Powers of the city council.

(a) Pursuant to County Resolution No. 2000-249 as amended by County Resolution No. 2021-083, the following powers shall vest in the city council with regard to the Olde Eau Gallie Riverfront Community Redevelopment Agency:

* * * *

- (2) The power to conduct surveys or other boundary examinations and to adjust or otherwise modify, but not to expand, the boundaries of the community redevelopment agency;

* * * *

- (10) The power to prepare community redevelopment plan modifications thereof, all pursuant F.S. §§ 163.360-163.362 only to the extent the current community redevelopment plan is amended to specifically identify the Agency's sole redevelopment project as the construction of a parking garage as set forth in the Interlocal Agreement dated May 4, 2021. Any authority to prepare and modify said plan beyond the project specified above shall require the approval of Brevard County;

* * * *

- (21) For the purposes provided in the Interlocal Agreement dated May 4, 2021 and Brevard County Resolution 2021-083, ~~¶~~the power to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government or the state, county, or other public body or from any sources public or private, for the purposes of F.S. ch. 163, pt. III, and to give such security as may be required and to enter and carry out contracts or agreements in connection therewith, and to include in any contracts for financial assistance with the federal government for or with respect to community redevelopment and related activities such conditions and powers pursuant to federal law as the city deems reasonable and appropriate which are not inconsistent with the purposes of F.S. ch. 163, pt. III;

* * * *

Sec. 20-206. Officers of community redevelopment agency; rules of procedure; sessions; meetings open to the public.

* * * *

(e) All meetings of the board and an agenda of said meeting shall be advertised at least ~~three~~ seven days prior to said meeting by posting a notice at city hall and on the Agency web page setting forth the time, place, and date of said meeting and an agenda of said meeting. ~~The Meeting notices~~ should also specify that more than one member of the city council or community redevelopment advisory committee member may be in attendance at the meeting and may participate in discussions.

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Sec. 20-208. Duration of agency.

Unless extended by resolution of the board of county commissioners amending County Resolution No. 2000-249:1 and County Resolution 2021-083, the delegation of authority provided for in Brevard County Resolution No. 2000-249, as extended by County Resolution 2021-083, shall terminate on August 30, 2025 (25 years after the date of delegation of authority to create the Olde Eau Gallie Riverfront Community Redevelopment Agency by virtue of Brevard County Resolution No. 2000-249) September 30, 2038. Thereupon, the community redevelopment agency shall cease to exist as a community redevelopment agency pursuant to F.S. ch. 163, pt. III.

Sec. 20-209. Agency annual budget.

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(b) The community redevelopment agency shall not expend in any one community redevelopment agency fiscal year more than 25 percent of the tax increment revenues from the City raised for that year, pursuant to F.S. § 163.387, on administrative expenses. For fiscal years 2022 and 2023, the community redevelopment agency shall not expend more than 5 percent of the tax increment revenues from Brevard County raised for either fiscal year, pursuant to F.S. § 163.387, on administrative expenses. After October 1, 2023, the community redevelopment agency shall not expend any tax increment revenues from Brevard County for administrative expenses. For the purpose of this section, the term "administrative expenses" includes personnel costs (i.e., salary and fringe benefits) of community redevelopment agency staff, office equipment and supplies, operating overhead (~~office space, electricity and utilities for office~~), postage, printing or copying charges, travel costs, seminar costs, and similar direct expenses of the community redevelopment agency. Allocations of costs in a community redevelopment agency construction or consultant contract for administrative costs of the contractor are not included within the 25 percent cap. Agency expenditures for administration are specific to facilitating the construction or financing of parking facilities and Agency compliance with the reporting and audit requirements within Florida Statutes and the Interlocal Agreement dated May 4, 2021.

Sec. 20-210. Community redevelopment plan approved.

The Olde Eau Gallie Riverfront Urban Infill and Community Redevelopment Plan adopted by Ordinance No. 2001-23, as amended by Ordinance No. 2005-77, Ordinance No. 2014-15, and Ordinance No. 2015-31, and Ordinance No. 2021-37, shall constitute the community redevelopment plan for the Olde Eau Gallie Riverfront Community Redevelopment Agency.

Sec. 20-211. Redevelopment trust fund.

* * * *

(b) Term of existence. The trust fund shall be self-perpetuating and sustaining from year to year, unless specifically terminated by the city council, subject to the provisions of County Resolution No. 2000-249 and County Resolution No. 2021-083, as amended from time to time.

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SECTION 4. Severability/Interpretation Clause.

(a) That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, illegal or otherwise void by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, illegality, or other declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

(b) That in interpreting this ordinance, underlined words indicate additions to existing text and ~~stricken words~~ indicate deletions from existing text. Asterisks (* * *) indicate an omission from the ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and not set forth in this ordinance shall remain unchanged from the language existing prior to adoption of this ordinance.

SECTION 5. That this ordinance shall become effective immediately upon its adoption in accordance with the Charter.

SECTION 6. That this ordinance was passed on the first reading at a regular meeting of

the City Council on the 24th day of August, 2021, and adopted on the second and final reading at a regular meeting of the City Council on the 15th day of September, 2021.

BY: _____
Paul Alfrey, Mayor

ATTEST: _____
Kevin McKeown, City Clerk

[CITY SEAL]

Attachment: Exhibit A – Amendment to the Community Redevelopment Plan

Ordinance No. 2021-37

Exhibit -Ordinance 2021-37

Sunset Date:

In accordance with Brevard County Resolution 2021-37, delegation of authority to City Council includes the revised agency termination date at the end of September 30, 2038.

Projects and Programs of the Olde Eau Gallie Riverfront CRA:

This Redevelopment Plan Amendment eliminates all existing projects, programs, planned priorities established within the “Olde Eau Gallie Riverfront Urban Infill and Community Redevelopment Plan” document, as approved under Ordinance No. 2001-23.

A public- private partnership may be a consideration in completing this project:

This Redevelopment Plan Amendment provides the opportunity for a public-private partnership for the CRA construction and finance of the public parking facility. For consideration of a public-private partnership, the project must demonstrate additional public benefit, than a stand-alone public project constructed, financed, owned, managed by the CRA and City of Melbourne.

The Olde Eau Gallie Riverfront CRA Plan includes the following sole CRA redevelopment capital project:

Project	Years	Total Estimated Cost	Sources & Estimate
Public Parking Facilities	2021-2038	\$8.465 Million	<ul style="list-style-type: none">• CRA CIP Project & Reserve \$1.63 M• Bond Finance \$6.835 M