

ORDINANCE NO. 9642-23

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, ESTABLISHING A REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 163.387, FLORIDA STATUTES TO PROVIDE FOR THE DEPOSIT OF FUNDS INTO THE TRUST FUND FOR THE NORTH GREENWOOD COMMUNITY REDEVELOPMENT AREA AS ESTABLISHED BY RESOLUTION 23-01; ESTABLISHING THE BASE YEAR FOR THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE FUNDING OF THE REDEVELOPMENT TRUST FUND FOR THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR THE APPROPRIATION OF TAX INCREMENT REVENUES OF THE CITY AND THE COUNTY TO THE REDEVELOPMENT TRUST FUND; PROVIDING FOR THE USE OF SUCH FUNDS BY THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR THE DURATION OF THE TAX INCREMENT FINANCING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of Florida has enacted the Community Redevelopment Act of 1969, as amended, and codified as Part III, Chapter 163, Florida Statutes (the "Redevelopment Act"); and

WHEREAS, all powers arising through the Redevelopment Act were conferred by that Act upon counties which have adopted home rule charters, which counties in turn are authorized to delegate such powers to municipalities within their boundaries when such municipalities desire to undertake redevelopment within their respective municipal boundaries; and

WHEREAS, Pinellas County, Florida (the "County") and the City of Clearwater, Florida (the "City") mutually desire to increase the ad valorem tax base of the County and City; and

WHEREAS, under circumstances where a delegation for redevelopment has already occurred and the City wishes to expand that delegation, the County finds that delegation of certain redevelopment powers and authority to the City under the Redevelopment Act is an appropriate vehicle to accomplish the necessary planning for redevelopment within the proposed area in the City; and

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, by its Resolution No. 81-466 dated June 30, 1981, delegated to the City Council of the City of Clearwater, Florida, the power and authority to conduct redevelopment activities as defined in the Redevelopment Act; and

WHEREAS, the City Council of the City of Clearwater, by its Resolution No. 20-52 dated October 14, 2020, declared a blighted area in North Greenwood and the need for a

Community Redevelopment Agency to carry out redevelopment activities in the blighted area; and

WHEREAS, the City Council of the City of Clearwater, by its Resolution No. 81-68 dated August 6, 1981, declared the City Council to be the Community Redevelopment Agency; and

WHEREAS, the City Council of the City of Clearwater, by its Resolution No. 23-01 dated January 12, 2023, adopted a Redevelopment Plan for the North Greenwood Community Redevelopment Area ("CRA"); now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Creation and Purpose

There is hereby established and created, pursuant to Section 163.387, Florida Statutes, a Redevelopment Trust Fund, hereinafter referred to as the "Fund," to be used exclusively to finance or refinance community redevelopment projects by the City of Clearwater Community Redevelopment Agency, pursuant to Chapter 163, Florida Statutes, Part 111, Community Redevelopment Act.

The funds allocated to, and deposited into, the Fund as provided in this Ordinance are hereby appropriated to the City of Clearwater Community Redevelopment Agency, hereinafter referred to as "Agency," to finance the City of Clearwater community redevelopment projects within the redevelopment area identified in Resolution No. 23-01 of the City of Clearwater, as it may be amended from time to time. The Agency shall utilize the funds and revenues paid into and earned by the Fund for those community redevelopment purposes delegated to it as contained in the plan for redevelopment and as provided by law, and such fund shall exist for the duration of the projects within the redevelopment area, and for so long thereafter as indebtedness continues to exist.

Section 2. Monies Appropriated to and Comprising the Fund

The Redevelopment Trust Fund shall consist of, and the City of Clearwater hereby appropriates, commits, and sets over for payment into the Fund a sum equal to that increment from the income, proceeds, revenues, and funds of the City derived from or earned in connection with the community redevelopment project area, and agencies undertaking and carrying out of the community redevelopment projects therein. Such tax increment shall be determined and appropriated annually, and shall be an amount equal to 95 percent of the difference between:

- (a) The amount of ad valorem taxes levied each year by the City and County, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the redevelopment area as defined in the adopted Redevelopment Plan for North Greenwood (Resolution No. 23-01); and
- (b) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by the County and City,

exclusive of any amount from any debt service millage, upon the total of the assessed value of the taxable property in the above-referenced redevelopment area as shown upon the assessment role used in connection with the taxation of such property by the County and the City prior to the effective date of Ordinance No. 9642-23 of the City of Clearwater.

In calculating the increment, the amount of ad valorem taxes levied based on county-wide debt service on general obligation County bonds or city-wide debt service on general obligation City bonds shall be excluded from the calculation. All increments in this amount shall continue to be used for its voter-approved purpose and shall not be appropriated in any part to the Fund. In no year shall the County or City obligation to the Fund exceed the amount of that year's tax increment as defined by this ordinance.

The Agency is directed to establish and set up the Fund and to develop and promulgate rules, regulations, and criteria whereby the Fund may be promptly and effectively administered, including the establishment and maintenance of books and records and adoption of procedures whereby the Agency may, expeditiously and without undue delay, utilize such funds for their allocated statutory purpose.

The Agency is faced with full responsibility for the receipt, custody, disbursement, accountability, management, and proper application of all monies paid into the Fund.

Section 3. Duration of the Fund

Subject to approval by the County, the County and City shall annually appropriate to the Fund the tax increment due the Fund at the beginning of the County and City fiscal year. However, the Fund shall receive the tax increment only as, if and when such taxes are collected. The City's obligation to annually appropriate to the Fund shall commence immediately upon effective date of this Ordinance and continue until all loans, advances, indebtedness, and obligations incurred as a result of the community redevelopment project have been paid or for twenty years from the effective date of this Ordinance, if there has not been at the end of that twenty year period a pledge of the tax increment funding granted by this Ordinance through a formal commitment to expend funds or the issuance, sale, or delivery of an instrument of indebtedness such as bonds or tax anticipation notes described in Section 163.385, Florida Statutes.

Notwithstanding the above, in 2033, the County may review its tax increment contribution to determine whether given the totality of the circumstances, it continues to be appropriate to dedicate the County portion of tax increment at the existing level, beyond ten years. Nothing herein precludes the County from considering dedication at a reduced commitment provided that option is legally available.

Redevelopment Conditions for 10-year TIF review

The success of the Plan relies on significant private investment in residential, employment, and retail uses so that the North Greenwood area is marketable. Absent realizing this investment, the Plan is not succeeding.

1. Performance of TIF revenues

During the 10-year review period, how do the annual TIF revenues collected compare to the estimated revenues?

Measures: Collected TIF revenues (per Property Appraiser and Tax Collector)

2. Implementation of North Greenwood Redevelopment Plan

During the 10-year review period, how has the City performed in implementing the North Greenwood CRA Plan with particular emphasis on use of TIF funds in implementation.

Measures: Capital projects built or almost complete compared to the Capital Improvement Plan of the North Greenwood CRA Plan; and CRA Programs and Initiatives implemented compared to those in the North Greenwood CRA Plan implementation chapter.

Changes in the employment opportunities in the North Greenwood CRA comparing the year of Plan adoption to the 10th year after adoption.

3. Effectiveness of North Greenwood Community Redevelopment Area Plan at Mitigating Blighting Influence

During the 10-year review period, did the actions implementing the North Greenwood CRA Plan have the desired effect of redeveloping the CRA?

Measures: Changes in the North Greenwood CRA assessed property value as compared to the city's assessed value between the years of Plan adoption to the 10th year after adoption.

Demographic changes in the North Greenwood CRA and in the city comparing the year of Plan adoption to the 10th year after adoption.

Housing changes in the North Greenwood CRA and in the city comparing the year of Plan adoption to the 10th year after adoption.

Property ownership rates, code violation enforcement rates, and crime rates in the North Greenwood CRA and in the city comparing the year of Plan adoption to the 10th year after adoption.

The City shall submit the data and analysis to the County for the 10-year review no later than October 1, 2033. The Board of County Commissioners shall complete its review prior to March 1, 2034 and shall notify the Community Redevelopment Agency in writing by March 1, 2034, if it intends to eliminate or reduce the amount and/or duration

of the County's tax increment contribution after the 10th year of increment. In the absence of such notification, the contribution shall continue as provided herein.

Section 4. Projects

The assets of the Redevelopment Trust Fund shall be applied, allocated, expended, and invested or reinvested in furtherance of the projects outlined in the North Greenwood CRA Plan as adopted in Resolution 23-01 or as that Plan is amended from time to time. Such application of the funds shall also be consistent with the provisions of Chapter 163, Florida Statutes, Part III, Community Redevelopment Act.

There is hereby established and created, in accordance with the provisions of the Act, a Community Redevelopment Trust Fund ("Trust Fund") for the North Greenwood Community Redevelopment Area, which funds shall be utilized and expended for the purposes of and in accordance with the Plan, including any "community redevelopment," as that term is defined in Section 163.340(9), Florida Statutes, under the Plan.

The funds deposited or allocated into the Trust Fund are appropriated to the City of Clearwater Community Redevelopment Agency to finance the North Greenwood CRA Plan. The Community Redevelopment Agency shall use the funds paid into or earned by the Trust Fund for any community redevelopment purpose delegated to it, as set forth in the North Greenwood Community Redevelopment Area Plan Resolution No. 23-01. Use of that portion of the tax increment attributable to the County shall be limited to capital improvements, land acquisition, and environmental remediation as more specifically provided in Ordinance 7153-03, as amended by Ordinance 7231-03 and as it is amended from time to time.

Section 5. Severability

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 6. Repeal Conflicting Ordinance

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 7. Effective Date

This ordinance shall take effect upon adoption of the County ordinance establishing the Redevelopment Trust Fund as provided herein.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Michael Fuino, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk