

ORDINANCE NO. 13-98

AN ORDINANCE OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, RELATING TO THE CENSUS TRACT 626 COMMUNITY REDEVELOPMENT AGENCY; MAKING FINDINGS; CREATING SECTIONS 6.5-50 AND 6.5-60, COCOA CITY CODE; CREATING THE CENSUS TRACT 626 COMMUNITY REDEVELOPMENT AGENCY; PROVIDING DEFINITIONS; PROVIDING COUNCIL AND AGENCY BOARD POWERS; PROVIDING FOR COMMUNITY REDEVELOPMENT AGENCY BOARD COMPOSITION; TERMS; CHAIRPERSON AND VICE-CHAIRPERSON; PROVIDING FOR THE COMMUNITY REDEVELOPMENT AGENCY JURISDICTIONAL DESCRIPTION; APPOINTING AN INITIAL BOARD OF COMMISSIONERS; PROVIDING FOR OFFICERS OF THE COMMUNITY REDEVELOPMENT AREA, RULES OF PROCEDURE, SESSIONS, OPEN MEETINGS, AGENCY DURATION, AND AN AGENCY BUDGET; RESERVING COMMUNITY REDEVELOPMENT PLAN AND TRUST FUND PROVISIONS; PROVIDING FOR THE REPEAL OF CERTAIN INCONSISTENT ORDINANCES OR RESOLUTIONS; PROVIDING A SEVERABILITY/INTERPRETATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.410, Florida Statutes, on August 19, 1997, the Brevard County Board of County Commissioners adopted Resolution No. 97-161, which resolution delegated to the City Council of the City of Cocoa the authority to create and operate the Census Tract 626 Community Redevelopment Agency, pursuant to Chapter 163, Florida Statutes;

WHEREAS, pursuant to the authority delegated to the City Council of Cocoa, the City Council adopted Resolution No. 98-19 on March 24th, 1998;

WHEREAS, Resolution No. 98-19 determined that pursuant to Section 163.340(7), (8), Florida Statutes (1997), the Census Tract 626 Community Redevelopment Area was a slum and blighted area;

WHEREAS, Resolution No. 98-19 determined that pursuant to Section 163.355, Florida Statutes (1997), the rehabilitation, conservation or redevelopment, or a combination thereof, of

the Census Tract 626 Community Redevelopment Area is necessary and in the interest of public health, safety, morals, and welfare of the citizens of the City of Cocoa, and in the interest of implementing the intent of the Florida Legislature as expressed in the Community Redevelopment Act of 1969, as amended, to revitalize the area economically and socially, thereby improving the tax base, promoting sound growth and providing improved infrastructure;

WHEREAS, Resolution No. 98-19 determined that pursuant to Section 163.355, Florida Statutes (1997), there is a need for a community redevelopment agency to function and carry out the community redevelopment purposes as specified in Chapter 163, Part III, Florida Statutes, within the Census Tract 626 Community Redevelopment Area;

WHEREAS, the Cocoa City Council in Resolution No. 98-19 found that creation of a Chapter 163, Florida Statutes, community redevelopment area for the Census Tract 626 jurisdictional area, met the intent, and was consistent with the requirements, set forth in Section 163.335(1), Florida Statutes (1997);

WHEREAS, pursuant to Resolution No. 98-19, the Cocoa City Council created the Census Tract 626 Community Redevelopment Agency pursuant to Section 163.356, Florida Statutes;

WHEREAS, it is the intent of the City Council of the City of Cocoa to set forth by Ordinance the membership, powers, and method of operation of said Census Tract 626 Community Redevelopment Agency and to further provide for the aforesaid Community Redevelopment Agency;

WHEREAS, the City's Local Planning Agency has reviewed this Ordinance and found same to be consistent with the City of Cocoa Comprehensive Plan;

WHEREAS, the legal description of the jurisdictional boundaries of the Census Tract 626 Community Redevelopment Agency was certified to as meeting the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G-17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes;

WHEREAS, the description and certification was prepared by John R. Campbell, Professional Land Surveyor No. 2351, State of Florida, of Campbell Surveying and Mapping of Brevard, Inc., 3525 N. Courtenay Parkway - Suite 1, Mailing Address: P.O. Box 542148, Merritt Island, Florida, 32954;

WHEREAS, this Ordinance is adopted pursuant to the authority vested in the City Council, *inter alia*, by Brevard County Resolution No. 97-161; Part III, Chapter 163, Florida Statutes (1997); the Cocoa City Charter and Code, and the City's home rule powers pursuant to Article VIII, Section 2, Florida Constitution of 1968 and Section 166.021, Florida Statutes; and

WHEREAS, the City Council finds that this Ordinance will promote the public health, safety, welfare, economic order, convenience, and aesthetics.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA:

SECTION 1. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-50, which said section reads as follows:

ARTICLE III. CENSUS TRACT 626 COMMUNITY REDEVELOPMENT AGENCY

Sec. 6.5-50. Census tract 626 community redevelopment agency created.

By virtue of city of Cocoa Resolution No. 98-19, adopted on March 24th, 1998, there is hereby created within the city, the Census Tract 626 Community Redevelopment Agency.

SECTION 2. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-51, which said section reads as follows:

Sec. 6.5-51. Definitions.

The following terms, wherever used or referred to in this part, have the following meanings:

(1) "Agency" or "community redevelopment agency" means a public agency created and designated pursuant to section 163.356, Florida Statutes (1997).

(2) "Area of operation" means the area within the corporate limits of the city.

(3) "Blighted area" means either:

(A) An area in which there are a substantial number of slum, deteriorated, or deteriorating structures and conditions which endanger life or property by fire or other causes or one or more of the following factors which substantially impairs or arrests the sound growth of the county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use:

1. Predominance of defective or inadequate street layout;
2. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
3. Unsanitary or unsafe conditions;
4. Deterioration of site or other improvements;
5. Tax or special assessment delinquency exceeding the fair market value of the land; and
6. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or

(B) An area in which there exists faulty or inadequate street layout; inadequate parking facilities; or roadways, bridges, or public transportation facilities incapable of handling the volume of traffic flow into or through the area, either at present or following proposed construction;

(4) "Board" means the governing board of the community redevelopment agency.

(5) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(6) "Commissioner" means a member of the community redevelopment agency board.

(7) "Community redevelopment" or "redevelopment" means undertakings, activities, or projects of the city or community redevelopment agency in the Census Tract 626 community redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of

low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation of the community redevelopment area in accordance with the community redevelopment plan and may include the preparation of such a plan.

(8) "Community redevelopment area" means the Census Tract 626 community redevelopment area, the geographical boundaries of which are described in section 6.5-54, city code.

(9) "Community redevelopment plan" means the plan, as it is amended from time to time, for the community redevelopment area, which plan is adopted in section 6.5-59, city code.

(10) "Council" or "city council" means the governing body or city council of the city of Cocoa, Florida.

(11) "Debt service millage" means any millage levied pursuant to section 12 of Article VII of the State Constitution.

(12) "Increment revenue" means the amount calculated pursuant to s. 163.387(1), Florida Statutes.

(13) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the city, or the community redevelopment agency, property used in connection with community redevelopment or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the city.

(14) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including, but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(15) "Related activities" means:

(A) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to section 163.365, Florida Statutes;

(B) The functions related to the acquisition and disposal of real property pursuant to section 163.370(3), Florida Statutes; or

(C) The development of affordable housing for residents of the area.

(16) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; the existence of conditions which endanger life or property by fire or other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, or welfare.

SECTION 3. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-52, which said section reads as follows:

Sec. 6.5-52. Powers of the city council.

The following powers shall continue to vest in the council of the city:

(1) The power to rename or designate the name of said Community Redevelopment Agency;

(2) The power to determine an area to be a slum or blighted area, or combination thereof, to designate such area as appropriate for a community redevelopment project, and to hold any public hearings required with respect thereto;

(3) The power to grant final approval to the community redevelopment plan and modifications thereof;

(4) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in section 163.385, Florida Statutes, although pursuant to section

6.5-55(b), city code, the city council may authorize the community redevelopment agency to undertake the issuance of specific bond issues;

(5) The power to approve the acquisition, demolition, removal, or disposal of property as provided in section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided therein, although pursuant to section 6.5-55(b), city code, the city council may authorize the community redevelopment agency to undertake the acquisition, demolition, removal, or disposal of and on specific parcels of property;

(6) The power to conduct eminent domain or otherwise dispose of property pursuant to sections 163.375 and 163.380, Florida Statutes, although pursuant to section 6.5-55(b), city code, the city council may authorize the community redevelopment agency to undertake the acquisition of specific parcels of real property through eminent domain or otherwise dispose of specific parcels of property;

(7) The power to create a redevelopment trust fund pursuant to sections 163.387, Florida Statutes, and for the purposes set forth in said section;

(8) The power to zone or rezone any part of the community redevelopment area or make exceptions from building regulations, and to enter into agreements with a housing authority, which agreements may extend over a period, notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the city of Cocoa pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;

(9) The power to close or vacate streets, roads, sidewalks, ways, or other places within the community redevelopment area; (10) The power to establish such new office(s) of the city or to reorganize existing office(s) in order to carry out the remedying of slum and blighted areas and preventing the causes thereof most effectively;

(11) The power to approve or amend neighborhood and community-wide plan (and modifications) thereof, pursuant to section 163.365, Florida Statutes;

(12) The power to acquire a slum area or a blighted area or a portion thereof; or to install, construct, or reconstruct public infrastructure, all as provided for in section 163.370,

Florida Statutes, although pursuant to section 6.5-55(b), city code, the city council may authorize the community redevelopment agency to undertake such activities; and

(13) The power to dispose of any properties acquired in the community redevelopment area at their fair value for uses in accordance with the community redevelopment plan, although pursuant to section 6.5-55(b), city code, the city council may authorize the community redevelopment agency to dispose of specific properties acquired within the community redevelopment area at their fair value for uses in accordance with the community redevelopment plan.

SECTION 4. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-53, which said section reads as follows:

Sec. 6.5-53. Creation of community redevelopment agency board; Composition; Terms; Appointment of chairperson and vice-chairperson.

(a) Pursuant to Resolution No. 98-19 of the city council dated March 24, 1998 and section 163.356, Florida Statutes, the community redevelopment agency board shall consist of seven (7) commissioners. Seven (7) persons shall be appointed from time to time by the city council to serve as agency commissioners. A certificate of appointment shall be filed with the city clerk and is due and conclusive evidence of due and proper appointment of such commissioner.

[Authority: §163.356(3)(a), Fla.Stat. (1997)]

(b) Except for the initial commissioners, appointees shall serve terms of four (4) years each. Each commissioner shall serve until his or her successor has been appointed and has qualified.

[Authority: §163.356(3)(a), Fla.Stat. (1997)]

(c) In the event of death, resignation, or removal from office of a commissioner, any individual appointed to fill a vacancy shall fill the remainder of the term of the person whose actions created the vacancy in office.

[Authority: §163.356(3), Fla.Stat. (1997)]

(d) Any person may be appointed to serve as a commissioner on the board if he or she resides, or is engaged in business, within the city, and is otherwise eligible for such appointment pursuant to Part III, Chapter 163, Florida Statutes. For the purposes of this provision, "engaged in business" means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged.

[Authority: §163.356(3)(b), Fla.Stat. (1997)]

(e) Agency commissioners may be removed from office as provided by section 163.356(4), Florida Statutes.

(f) Annually, on or about June of each year, the city council shall name the chairperson and vice-chairperson of the board, who must also be commissioners of said board at all times during their tenure as chairperson or vice-chairperson.

SECTION 5. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-54, which said section reads as follows:

Sec. 6.5-54. Jurisdictional area of census tract 626 community redevelopment agency.

(a) The jurisdictional boundaries of the Census Tract 626 Community Redevelopment Agency are lying wholly within the city of Cocoa as follows: Beginning at the intersection of the Easterly line of the Florida East Coast Railroad, a 100.00 foot wide strip of land, and the South line of the North half of the Southwest quarter of Section 33, Township 24 South, Range 36 East; Thence West, along said South line of the North half of the Southwest quarter of Section 33, to the West line thereof; Thence continue West, along the South line of the North half of the Southeast quarter of Section 32, Township 24 South, Range 36 East, to the West line of said Southeast quarter of Section 32; Thence continue West, 691.95 feet along the North line of the South half of the Southwest quarter of said Section 32, to a point on the West right of way line of Aurora Street; Thence North, along the West right of way line of Aurora Street to the Southeast corner of Lot 11, Block "D" of Pinegrove Park Unit No. 2, Third Addition, according to the plat thereof recorded in Plat Book 19, page 46 of the Public Records of Brevard County, Florida;

Thence West, along the South line of aforesaid Lot 11, a distance of 97.00 feet to Southwest corner thereof; Thence North, along the West line of aforesaid Lot 11, a distance of 110.00 feet to the Southeast corner of Lot 23, Block "D; of aforesaid Pinegrove Park, Unit No. 2, Third Addition; Thence West, along the South line of Lot 23, Block "D", and along the South lines of Lots 9 and 12, a distance of 400.00 feet to the West right-of-way of Gardenia Avenue; Thence South, along the West right-of-way of Gardenia Avenue, a distance of 5.00 feet to the Southeast corner of Lot 16, Block "F" of Pinegrove Park, Unit No. 2, Third Addition; Thence West, along the South line of aforesaid Lot 16, a distance of 128.86 feet to a point on the West line of Block "F" of Pinegrove Park, Unit No. 2, Third Addition, according to the plat thereof recorded in Plat Book 19, Page 46, of the Public Records of Brevard County, Florida; Thence North, along the West line of said block "F" and the West line of Cocoa Village Subdivision, according to the Plat thereof recorded in Plat book 18, page 19, of the Public Records of Brevard County, Florida, a distance of 1183.75 feet to the South right of way line of Jackson Street; Thence East, along the South right of way line of Jackson Street, a distance of 686.19 feet to the East right of way line of Aurora Street; Thence South along the east right of way line of Aurora Street, a distance of 500.00 feet to a point which is on the North line of Block "A", Pinegrove Park, Unit No. 2, First Addition, as recorded in Plat Book 17, page 88, Public Records of Brevard County, Florida; Thence East, along the North line of said Block "A", a distance of 631.29 feet to the East line of the Northeast quarter of the Southwest quarter of said Section 32; Thence North, along the East line of aforesaid quarter section and the East line of the Southeast quarter of the Northwest quarter of said Section 32, a distance of 1180.90 feet to a point which is the Easterly projection of the South line of a tract of land described in Deed Book 344, page 182, of the Public Records of Brevard County, Florida; Thence West, along the aforementioned line, a distance of 230.00 feet to a point which is the Southwest corner of the tract of land described in Deed Book 344, Page 182; Thence North, along the West line of said described tract of land, as described in Deed Book 344, page 182, Public Records of Brevard County, Florida, a distance of 200.00 feet to the South right of way line of State Road 520; Thence East, along the South right of way line of State Road

520, a distance of 230.00 feet to the East line of the Southeast quarter of the Northwest quarter of said Section 32; Thence North, along the East line of the Southeast quarter of the Northwest quarter, of said Section 32, to the South line of Lots 19, 20, and 21 of Barlow's Subdivision, according to the plat thereof recorded in Plat Book 3, Page 5, of the Public records of Brevard County, Florida; Thence West, along aforesaid South line of Lots 19, 20, and 21, to the West property line of aforesaid Lot 21; Thence North, along the West property line of aforesaid Lot 21, to the South right of way of Lake Drive; Thence Southeasterly, along the South right of way line of Lake Drive, to the East line of the Northeast quarter of the Northwest quarter of said Section 32; Thence North, along the East line of the Northeast quarter of the Northwest quarter of Section 32, to the centerline of West School Street; Thence, East, along said centerline of West School Street and said centerline projected Easterly, to the West line of Lot 49, Block "A", of the Plat of C. L. Hughlett's Washington Heights Addition to Cocoa, Florida, as recorded in Plat Book 0, at page 18, of the Public Records of Brevard County, Florida; Thence, North, along the West line of said Lot 49, and said West line of Lot 49 projected Northerly, to the Southwest corner of Lot 33, Block "A", of said Plat of C. L. Hughlett's Washington Heights Addition to Cocoa, Florida; Thence East, along the South line of Lots 33 through 48 inclusive Block "A", of said Plat of C. L. Hughlett's Washington Heights Addition to Cocoa, Florida, to the Southeast corner of Lot 48; Thence continuing East, to the Southwest corner of Lot 27, Block "B" of said Plat of C. L. Hughlett's Washington Heights Addition to Cocoa, Florida; Thence East, along the South line of Lots 27 through 32 inclusive, of Block "B", of said Plat of C. L. Hughlett's Washington Heights Addition to Cocoa, Florida, and said South line extended Easterly, to the Easterly line of the Florida East Coast Railroad, a 100.00 foot wide strip of land; Thence Southeasterly, along said Easterly line of the Florida East Coast Railroad, to the Point of Beginning.

(b) Said legal description of the jurisdictional boundaries of the Census Tract 626 Community Redevelopment Agency was certified to and prepared by John R. Campbell, a professional land surveyor, as further identified in Ordinance No. 98-_____.

SECTION 6. Appointment of Initial Commissioners.

(a) The initial board of the Census Tract 626 Community Redevelopment Agency shall take office on July 1, 1998. The board shall consist of the following individuals with initial terms as set forth below:

(1) Seat #1 - Brenda K. Black, whose address is 1040 Mitchell Street, Cocoa, Florida 32922, is appointed to a four (4) year term commencing July 1, 1998 and ending June 30, 2002.

(2) Seat #2 - Ruby L. Jenkins, whose address is 3827 East Lakeview Blvd., Cocoa, Florida 32926, is appointed to a three (3) year term commencing July 1, 1998 and ending June 30, 2001.

(3) Seat #3 - Ed Jones, whose address is 12 16-1/2 Holmes Street, Cocoa, Florida 32922, is appointed to a four (4) year term commencing July 1, 1998 and ending June 30, 2002.

(4) Seat #4 - Dr. Annie R. Wells, whose address is 246 Orange Street, Cocoa, Florida 32922, is appointed to a four (4) year term commencing July 1, 1998 and ending June 30, 2002.

(5) Seat #5 - Ronald L. Shaw, whose address is 605 South Fiske Blvd., Cocoa, Florida 32922, is appointed to a two (2) year term commencing July 1, 1998 and ending June 30, 2000.

(6) Seat #6 - Janie Carithers Holman, whose address is 716 Aurora Avenue, Cocoa, Florida, is appointed to a four (4) year term commencing July 1, 1998 and ending June 30, 2002.

(7) Seat #7 - Chenita M. Joiner, whose address is 2202 Mercer Drive, Cocoa, Florida 32926, is appointed to a one (1) year term commencing July 1, 1998 and ending June 30, 1999.

(b) Chenita M. Joiner is hereby appointed to chair the board for one (1) year. Ronald L. Shaw is hereby appointed to serve as vice-chair of the board for one (1) year.

[Legislative Intent: It is the legislative intent of the city council that this section 6. shall not be codified in the city code. The appointments have been made by ordinance as required by section 163.356(2), Florida Statutes (1997).]

SECTION 7. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-55, which said section reads as follows:

Sec. 6.5-55. Powers of census tract 626 redevelopment agency board.

(a) The census tract 626 community redevelopment agency is vested with the following powers pursuant to section 163.370, Florida Statutes, and Resolution 97-161, Brevard County:

(1) The power to conduct surveys or other boundary examinations to adjust or otherwise modify the boundaries of the community redevelopment agency;

(2) The power to operate the community redevelopment agency as generally described and specified in section 163.356, Florida Statutes;

(3) The power to give public notice, from time to time, as specified in Part III, Chapter 163, Florida Statutes;

(4) The power to prepare a community redevelopment plan and modifications thereof, all pursuant to sections 163.360, 163.361, 163.362, Florida Statutes, and recommending the same for approval to the city council;

(5) The power to prepare and recommend to the city council for adoption a neighborhood and community-wide plan (and modifications) thereof, pursuant to section 163.365, Florida Statutes;

_____ (6) The power to operate and maintain a redevelopment trust fund pursuant to section 163.387, Florida Statutes, and for the purposes set forth in said section, once the fund has been created by the city council;

_____ (7) The power to make and execute contracts and other instruments necessary or convenient to the exercise of the powers under Part III, Chapter 163, Florida Statutes;

_____ (8) The power to disseminate slum clearance and community redevelopment information;

_____ (9) The power to provide, or to arrange or contract and to agree to any conditions that it deems reasonable and appropriate which are attached to Federal financial assistance and imposed pursuant to Federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of the community redevelopment and related activities, and to fulfill such of the conditions as it deems reasonable and appropriate;

_____ (10) Within the community redevelopment area, the power:

_____ (A) To the extent authorized by law to enter into buildings or property in the community redevelopment area in order to make inspections, surveys, appraisals, soundings or test borings and to obtain an order for this purpose from the court of competent jurisdiction in the event entry is denied or resisted;

_____ (B) To acquire by purchase, lease, option, gift, grant, bequest, devise, or otherwise any real property

(or personal property for its administrative purposes) together with any improvements thereon;

_____ (C) To hold, improve, clear, or prepare for development of any such property;

_____ (D) To the extent authorized by law to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property;

_____ (E) To insure or provide for the insurance of any real or personal property or operations against any risks or hazards, including the power to pay premiums on any such insurance;

_____ (F) To enter into any contracts necessary to effectuate the purposes of Part III, Chapter 163, Florida Statutes; and

_____ (G) To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by the Community Redevelopment Agency and as a result of such request for proposals to advertise for the disposition of such real property to private persons pursuant to section 163.380, Florida Statutes, prior to acquisition of such real property by the Community Redevelopment Agency;

_____ (11) The power to invest in any community redevelopment fund held in reserve for sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as may have been issued

pursuant to section 163.385, Florida Statutes, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed for purchase being cancelled;

(12) 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 Part III, Chapter 163, Florida Statutes, and to give such security as may be required and to enter into 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 this Part III, Chapter 163, Florida Statutes;

(13) Within the city, to make or have made all surveys and plans necessary to the carrying out of the purposes of this part, to contract with any person, public or private, in making and carrying out such plans, and to adopt or approve, modify, and amend such plans, with plans that include the plans specified as follows:

(A) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;

_____ (B) Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment projects and related activities; and

_____ (C) Plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements;

_____ (14) The power to develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and the elimination of slums and other blight and developing and demonstrating new or improved means of providing housing for families and persons of low income;

_____ (15) The power to apply for, accept, and utilize grants or funds from the Federal government for such purposes;

_____ (16) The power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, non-profit organizations, and others) displaced from the community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal government;

_____ (17) The power to appropriate such funds and make such expenditures as are necessary to carry out the purposes of Part III, Chapter 163, Florida Statutes, to recommend to the city council

the zoning or rezoning of any part of the municipality or to make exceptions from building regulations, and to recommend to the city the making of agreement(s) with a housing authority, which agreement(s) may extend over a period, notwithstanding any provision or rule of law to the contrary, with respect to any action to be taken by the city of Cocoa pursuant to any of the powers granted by Part III, Chapter 163, Florida Statutes;

_____ (18) The power to recommend to the city council closure or vacation of streets, roads, sidewalks, ways, or other places within the community redevelopment area, and to plan or replan any part of the community redevelopment area, subject to city council concurrence;

_____ (19) The power to organize, coordinate and direct the administration of the provisions of Part III, Chapter 163, Florida Statutes, as they may apply to the community redevelopment area in order that the objective of remedying slum and blighted areas, and preventing the causes thereof, within the community redevelopment area may be most effectively promoted and achieved;

_____ (20) With the prior approval of the city council, the community redevelopment agency may (prior to the approval of the community redevelopment plan or approval of any modification of the said plan) acquire real property in the community redevelopment area, demolish and renew any structures on the property, and pay all costs related to the acquisition, demolition, or removal thereof, including any administrative or relocation expenses; provided, that the

Community Redevelopment Agency assumes the responsibility to bear any loss that may arise as the result of the exercise of authority under section 163.370(3), Florida Statutes, in the event that the real property is not made part of the community redevelopment area:

_____ (21) The power to obtain services of an attorney to serve as legal counsel, to employ an executive director and employees (permanent or temporary), to determine their respective qualifications, compensation, and duties, and to annually prepare and file with the governing body and the Florida Auditor General, a report of activities, including but not limited to a complete financial statement:

[Authority: §163.356(3)(c), Fla.Stat. (1997)]

(22) The power to undertake and carry out community redevelopment and related activities within the community redevelopment area, all as provided for in section 163.370, Florida Statutes; provided, that certain redevelopment and related activities shall require pre-approval by the city council as set forth in sub-section (b) of this section; and

_____ (23) The power to exercise all or any part or combination of the powers herein granted.

_____ (b) Subject to prior authorization by the city council, the community redevelopment agency is vested with the following powers:

_____ (1) The power to authorize the issuance of, and the power to issue, redevelopment revenue bonds, all as set forth in section 163.385, Florida Statutes;

_____ (2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in section 163.370(3), Florida Statutes, and the power to assume the responsibility to bear loss as provided therein;

(3) The power to conduct eminent domain or otherwise dispose of property pursuant to sections 163.375 and 163.380, Florida Statutes;

(4) The power to undertake and carry out within the community redevelopment area acquisition of a slum area or a blighted area or a portion thereof; or the installation, construction, or reconstruction of public infrastructure; and

(5) The power to dispose of any properties acquired in the community redevelopment area at their fair value for uses in accordance with the community redevelopment plan.

SECTION 8. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-56, which said section reads as follows:

Sec. 6.5-56. Officers of community redevelopment agency; Rules of procedure; Sessions; Meetings open to the public.

(a) The chairperson shall preside at all meetings of the community redevelopment agency. In the absence, incapacitation or disqualification of the chairperson, or upon the chairperson's refusal to act as directed by the community redevelopment agency, the vice-chairperson shall preside at all meetings of the community redevelopment agency.

(b) The presence of four (4) members shall constitute a quorum of the agency board for meeting purposes. Action may be taken by the agency upon a vote of a majority of the agency commissioners present, unless agency rules require a larger number.

[Authority: §163.356(3)(b), Fla.Stat. (1997)]

(c) The board shall utilize *The Scott, Foresman Roberts' Rules of Order Newly Revised* (9th ed. 1990), as the official rules of procedure. The board is authorized to make such other rules as appropriate, which rules may supersede *Roberts' Rules of Order Newly Revised*.

(d) A session of the board shall commence on January 1st and terminate on December 31st of each year.

(e) All meetings of the board and an agenda of said meeting shall be advertised at least three (3) days prior to said meeting by posting a notice at city Hall setting forth the time, place,

and date of said meeting and an agenda of said meeting. The meeting notice should also specify that more than one member of the city council may be in attendance at the meeting and may participate in discussions.

(f) Minutes shall be taken at all agency governing board, committee, sub-committee, and ad hoc committee meetings. Consistent with the Governmental-in-the-Sunshine Act, section 286.011, Florida Statutes, all meetings of the board, agency committees, sub-committees, and ad hoc committees shall be open to the public.

SECTION 9. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-57, which said section reads as follows:

Sec. 6.5-57. Duration of agency.

Unless extended by resolution of the Board of County Commissioners amending Resolution No. 97-161: 1) the delegation of authority provided for in Brevard County Resolution No. 97-161 shall terminate on August 18, 2022 (twenty-five (25) years after the date of delegation of authority to create the Census Tract 626 community redevelopment agency by virtue of Brevard County Resolution No. 97-161). Thereupon, the community redevelopment agency shall cease to exist as a community redevelopment agency pursuant to Part III, Chapter 163, Florida Statutes.

SECTION 10. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-58, which said section reads as follows:

Sec. 6.5-58. Agency annual budget.

(a) Consistent with section 163.387, Florida Statutes, the community redevelopment agency shall adopt a fiscal year budget.

(b) The community redevelopment agency shall not expend in any one community redevelopment agency fiscal year more than 25% of the tax increment revenues raised for that fiscal year pursuant to section 163.387, Florida Statutes, on administrative expenses. For the purpose of this section, the term "administrative expenses" includes personnel costs (ie. - 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% cap.

SECTION 11. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-59, which said section reads as follows:

Sec. 6.5-59. Community Redevelopment Plan approved. Reserved.

SECTION 12. That the city code of the city of Cocoa, Florida, is hereby amended by adding a section to be numbered 6.5-60, which said section reads as follows:

Sec. 6.5-60. Redevelopment trust fund created. Reserved.

SECTION 13. Severability/Interpretation Clause.

(a) In the event that any term, provision, clause, sentence or section of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly unenforceable or invalid for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence, or section did not exist.

(b) In interpreting the provisions of this Ordinance, the following rules and symbols shall apply:

(1) Words underlined are additions to existing text.

(2) Words ~~stricken through~~ and deletions from existing text.

(3) Asterisks (* * *) indicate a deletion from the Ordinance of text existing 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.

(c) Notes regarding authority or intent shall not be codified.

SECTION 14. Ordinances and Resolutions in Conflict. All ordinances or resolutions or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 15. Effective Date. This Ordinance shall become effective upon adoption.

PASSED by the City Council of the City of Cocoa, Florida, on first reading on the 26th day of May, 1998, and **ADOPTED** by the City Council of the City of Cocoa, Florida, on final reading on the 9th day of June, 1998.

CITY OF COCOA, FLORIDA

By: Michael A. Hill
Michael A. Hill, Mayor

ATTEST:

Joan Clark
Joan Clark, City Clerk

(CITY SEAL)