

FEB 24, 2000

ORDINANCE NO. 2210

AN ORDINANCE PERTAINING TO THE SUBJECT OF COMMUNITY REDEVELOPMENT; CREATING A COMMUNITY REDEVELOPMENT AGENCY TO FUNCTION WITHIN THE CITY OF PLANTATION; NAMING THE AGENCY; PROVIDING THAT THE CITY'S GOVERNING BODY BE THE AGENCY; PROVIDING FOR THE APPOINTMENT OF A CHAIR AND VICE CHAIR OF THE AGENCY; PROVIDING FOR POWERS OF THE AGENCY; CONFIRMING THE FLORIDA ATLANTIC UNIVERSITY SLUM AND BLIGHT STUDY; DEFINING THE REDEVELOPMENT AREA; DETERMINING THAT THE REDEVELOPMENT AREA SUFFERS FROM ONE OR MORE INDICATORS OF DEBILITATING BLIGHT; DETERMINING THAT THE REHABILITATION, CONSERVATION, OR REDEVELOPMENT, OR A COMBINATION THEREOF OF THE REDEVELOPMENT AREA REMAINS APPROPRIATE AND CRITICALLY NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE RESIDENTS OF THE CITY; MAKING CERTAIN OTHER REQUIRED FINDINGS AND DETERMINATIONS; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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WHEREAS, the City of Plantation has established a Local Government Safe Neighborhood Improvement District pursuant to Part IV, Chapter 163, *Florida Statutes*, known as the Gateway 7 Development District (hereafter, the "District"); and,

WHEREAS, the Board of Directors of the District promulgated Resolution No. 7193, which determined that property in the District suffered from debilitating blight and requested Broward County to delegate to the City of Plantation the power to create and implement a Community Redevelopment Agency; and,

WHEREAS, the City of Plantation promulgated Resolution No. 7199, which also determined that property within the District suffered from debilitating blight and also requested Broward County to delegate to the City the power to create and implement a Community Redevelopment Agency; and,

WHEREAS, the District commissioned a Slum and Blight Study from Florida Atlantic University's Center for Urban Redevelopment and Empowerment, in order that property within the

District could be evaluated so as to determine the extent to which indicators of debilitating blight are present within the District; and,

WHEREAS, the completed Slum and Blight Study was filed with the City Clerk of the City of Plantation and remains available for public inspection, such study being entitled "City of Plantation, Florida Gateway7 Development District Gateway 7 Slum and Blight Study"; and,

WHEREAS, the Florida Atlantic University study generally confirms the indicators of slum and blight previously mentioned by the City Governing Body in Resolution No. 7199 and by the District Board of Directors in District Resolution No. 7193;

WHEREAS, pursuant to a duly advertised public hearing, the City governing body considered the Florida Atlantic University Study and promulgated City Resolution No. 7350, determining that there is a necessity to have a Community Redevelopment Agency; and,

WHEREAS, the Board of County Commissioners promulgated County Resolution No. 1999-1006, which delegated to and conferred upon the City of Plantation certain interim powers to create a Community Redevelopment Agency, including the power to prepare a Community Redevelopment Plan pursuant to the Community Redevelopment Act of 1969, which powers will remain in effect until the Redevelopment Plan is approved by the Board of County Commissioners; and,

WHEREAS, the City of Plantation now wishes to confer and ratify its prior determination of necessity, and further wishes to create a Community Redevelopment Agency to function within the City of Plantation;

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

SECTION 1: The foregoing findings are hereby confirmed and incorporated herein by reference.

SECTION 2: The City hereby confirms the Florida Atlantic University, Center for Urban Redevelopment and Empowerment, Slum and Blight Study, and hereby makes a determination that the land area of the District, as defined in Attachment "A" to Resolution No. 7350, suffers from the following indicators of debilitating blight:

- A substantial number of deteriorated, or deteriorating structures;
- A predominance of defective or inadequate street layout;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Unsanitary or unsafe conditions;
- Deterioration of site or other improvements;

- Faulty or inadequate street layout, inadequate parking facilities, or roadways incapable of handling the volume of traffic that flows into or through the area, either at present or following proposed construction;
- Lack of maintenance of improved property;
- Inadequate open space;
- Vacancies in retail, office, and other space; and,
- Unmet potential in sales and property tax revenues.

**SECTION 3:** The entire Gateway 7 Development District, which includes approximately 400 acres bounded on the north, south, and east by the municipal boundary of the City of Plantation and on the west to the full extent of commercially zoned property (O-PR, B-1P, B-3P, B-4P, B-6P, B-7P, B-7Q, B-8P, and B-8Q) contiguous to and westerly of State Road 7 as of the effective date of City Ordinance No. 1537 and as more particularly shown in Attachment "A" to Resolution No. 7350, suffers from blighted influences and consequently, is a "blighted area" within the meaning of §163.340(8), Fla. Stat. (1999), and that the rehabilitation, conservation, redevelopment, or combination thereof, is necessary in the interest of public health, safety, morals and welfare. For purposes of this Ordinance, the boundaries of the Gateway 7 Development District are the boundaries of the Redevelopment Area for which a Community Redevelopment Agency is needed.

**SECTION 4:** The conditions of development of debilitating blight are detrimental to the sound growth of the Redevelopment Area, and substantially impair growth within the Redevelopment Area, affect the use, enjoyment, and property outside and inside the Redevelopment Area, and present conditions and uses that are detrimental to the public health, safety, morals and public welfare of the residents of the City. Action must be taken to arrest the debilitating blight and deterioration to crase same, to protect and enhance public expenditures made by the District and the City in the Redevelopment Area, to protect and enhance property values, to encourage and foster revitalization and economic growth, and to increase the peace and safety of residents working or living within or adjacent to the Redevelopment Area.

**SECTION 5:** The City hereby determines that it is necessary to establish a Community Redevelopment Agency under Part III, Chapter 163, *Florida Statutes*, in order to establish the necessary means by which the debilitating blight can be arrested and erased, and in order to proceed with a redevelopment and revitalization plan for the Redevelopment Area. The City of Plantation expressly finds that it is necessary, appropriate, and timely that a Community Redevelopment Agency be created to carry out community redevelopment purposes of the provisions of Part III, Chapter 163, *Florida Statutes*, and other resolutions, ordinances, and laws that may be utilized to further redevelopment within the Redevelopment Area.

**SECTION 6:** There is hereby created a new Chapter 28 of the Code of Ordinances of the City of Plantation, entitled "Community Development", which said Chapter shall read as follows:

**Sec. 28-1. Creation of a Community Redevelopment Agency.**

(a) *Intent.* There is hereby established in the City of Plantation a Community Redevelopment Agency, to be known as the Plantation Community Redevelopment Agency, herein after referred to as the "Agency". The city of Plantation may change the name of the Agency by promulgating a City Resolution.

(b) The Agency shall be a public body corporate and politic, a legal entity, separate, distinct, and independent of the City of Plantation, as provided by law.

**Sec. 28-2. Organization of the Community Redevelopment Agency Board.**

(a) The Agency shall be governed by a Board of Commissioners. Pursuant to §163.357(1)(a), Fla. Stat. (1999), the governing body of the City has, by Resolution No. 7846, declared itself to be the Agency; consequently, the members of the City's governing body shall be the members of the Agency's Board of Commissioners.

(b) The Board shall consist of the six (6) elected officials holding office within the City of Plantation, and service on the Board of the Agency shall be ex officio to their elective office.

(c) When serving as an Agency Commissioner, the Mayor shall have the same privilege as any other Commissioner in voting upon matters brought to the Board for consideration or approval, but shall not have the power of veto.

(d) Four (4) Board members shall constitute a quorum for the purpose of conducting the Agency's business and exercising the powers of the Agency. Action may be taken by the Agency upon a vote of the majority of the Board Commissioners present.

(e) the Board may provide by Resolution for compensation (including expense reimbursements) to its members.

(f) Each year, at a meeting reasonably near the Anniversary Date of the Community Redevelopment Agency's creation, the Board shall designate a Chair and Vice Chair from among the Commissioners. Service as a Chair or Vice Chair shall not affect a Commissioner's privilege of voting, debating, or making motions.

(g) Contracts, conveyances, or other legal instruments made by the Board shall, unless provided otherwise by Resolution, be executed: (i) in the name of the Agency; (ii) signed by the Chair, or in his or her absence or disability, by the Vice Chair,

or in his or her absence or disability by the Mayor of Plantation; and, (iii) attested to by the City Clerk.

**Sec. 28-3. Agency Directors and Employees.**

(a) Until the Board provides otherwise by Resolution, the City Finance Director shall be the Agency Finance Officer and is authorized to file with the City of Plantation and the Auditor General, on or before March 31<sup>st</sup> of each year, a report of the Agency's activities for the preceding fiscal year, which report shall include a complete financial statement setting forth the Agency's assets, liabilities, income, and operating expenses as of the end of the fiscal year. The Agency's fiscal year shall be co-terminus with the fiscal year of the City of Plantation. Furthermore, the Director of Finance is also authorized to prepare budgets, and maintain such accounting records and file such reports as are otherwise required for the Agency.

(b) Until the Board otherwise provides by Resolution, the City Attorney is authorized to provide legal services to the Agency as the Board's legal counsel.

(c) The Board may by Resolution employ an Executive Director, technical experts, and other such agents and employees, permanent and temporary, as it requires, and determine their qualifications, authority, duties, and compensation.

**Sec. 28-4. Delegation of Powers.**

(a) Prior to the Redevelopment Plan being approved by Broward County's Board of County Commissioners, the Agency shall only exercise the following powers:

- (1) to designate a Chair and Vice Chair from among the Commissioners appointed to the Agency.
- (2) to employ an Executive Director, technical experts and such other agents and employees as the Board deems necessary for the Agency.
- (3) to employ or retain legal counsel and staff.
- (4) to receive and administer from the City or other sources funds and make such expenditures as the Board deems necessary, for the administrative expenses and overhead of the Agency.
- (5) to prepare a Community Redevelopment Plan.

(b) After the Redevelopment Plan is approved by Broward County's Board of County Commissioners, the Agency shall exercise all powers which are capable of being exercised and enjoyed by community redevelopment agencies as set forth in §163.340 through §163.3450, Fla. Stat. (1999), unless the Board of County Commissioners reserves any such powers to the Board of County Commissioners in its Resolution delegating permanent powers to the Agency pursuant to §163.410, Fla. Stat. (1999). Notwithstanding the foregoing, where pursuant to such statutory provisions, approval is required by the City of Plantation prior to the Agency exercising its powers, the foregoing sentence shall not be sufficient for such approval, and instead, such approval will be evidenced by an appropriate City Ordinance or Resolution. Furthermore, this delegation is not exclusive, and the City of Plantation retains the right to exercise any of the powers delegated herein, and such powers shall not be deemed to be vested exclusively in the Agency.

**Sec. 28-5. Retention of Powers.**

In creating the Agency, it is the City's intent to grant the Agency powers sufficient to accomplish its intended purpose, including all powers necessary or convenient to carry out and effectuate its purposes. However, the following powers are not delegated to the Agency and will continue to vest in the governing body of the City:

1. The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings with respect thereto.
2. The power to grant final approval to Community Redevelopment Plans and modifications thereof.
3. The power to authorize the issuance of revenue bonds as set forth in §163.385, Fla. Stat. (1999).
4. The power to approve the acquisition, demolition, removal, or disposal of property as provided in §163.370(3), Fla. Stat. (1999), and the power to assume the responsibility to bear loss as provided in §163.370(3), Fla. Stat. (1999).
5. The power to approve the development of community policing innovations.
6. The power to amend the City Comprehensive Plan, amend the zoning laws and to rezone land within the redevelopment area, and to exercise

other powers as a regulatory entity over land development, or otherwise enact laws which affect property within the community redevelopment area.

**SECTION 5:** The City staff and consultants are hereby directed to complete preparation of the draft Community Redevelopment Plan, and return same to the governing body of the City, Agency Board, and Board of County Commissioners.

**SECTION 6:** Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

**SECTION 7:** This Ordinance shall take effect immediately upon passage on second reading by the City Council and signature by the Mayor.

PASSED ON FIRST READING by the City Council this 26th day of January, 2000.

PASSED AND ADOPTED ON SECOND READING by the City Council this 23rd day of February, 2000.

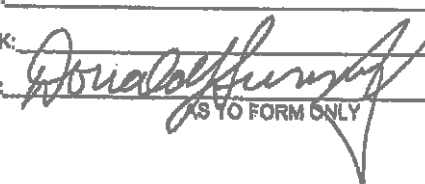
SIGNED by the Mayor this 24th day of February, 2000.

  
MAYOR

ATTEST:

  
CITY CLERK

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02/24/2000

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
REQUESTED BY: Mayor Armstrong + City Council  
DEPT. OK: \_\_\_\_\_  
ADMIN. OK: \_\_\_\_\_  
ATTY. OK:   
AS TO FORM ONLY