

Legislative #
170580

ORDINANCE NO. 170580

An Ordinance of the City of Gainesville, Florida, related to Economic Development; repealing the existing Chapter 2, Article V, Division 4 titled “Gainesville Enterprise Zone Development Agency”; amending Section 27-21 by repealing the definition of “Retained, expanded or attracted load service rider”; amending Appendix A – Schedule of Fees, Rates and Charges by repealing UTILITIES, (1) *Electricity*, subsection k. titled “Retained, Expanded or Attracted Load Service Rider”; by creating a new Chapter 3 titled “Economic Development” to include a new Article I. Enterprise Zone with new Sec. 3-1. Gainesville Enterprise Zone Area and Sec. 3-2. Enterprise Zone Programs, including the Manufacturing Retention/Expansion Incentive Program for Electric Service; providing directions to the codifier, providing a severability clause, providing a repealing clause, and providing an immediate effective date.

WHEREAS, the existing City Enterprise Zone Development Agency was created to implement Chapter 290, Florida Statutes, commonly known as the “Florida Enterprise Zone Act;”

WHEREAS, the Florida Enterprise Zone Act was repealed on December 31, 2015 by Section 290.016, Florida Statutes, thereby rendering the City Enterprise Zone Development Agency obsolete; and

WHEREAS, the City desires to create its own local Enterprise Zone and over time create programs to incentive economic development within the boundaries of the Enterprise Zone starting first by creating a program known as the “Manufacturing Retention/Expansion Incentive Program for Electric Service” to replace the underutilized “Retained, Expanded or Attracted Load Service Rider” in the current City Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA:**

Section 1. Chapter 2, Article V, Division 4 of the Code of Ordinances of the City of
Gainesville is hereby repealed in its entirety as follows:

~~**DIVISION 4. — GAINESVILLE ENTERPRISE ZONE DEVELOPMENT AGENCY**~~

~~Division 4. — Gainesville Enterprise Zone Development Agency~~

~~**Sec. 2-301. — Creation of the Gainesville Enterprise Zone Development Agency.**~~

~~There is hereby created the Gainesville Enterprise Zone Development Agency, consisting
of nine members, which shall carry out the economic development and redevelopment
purposes of F.S. Ch. 290.~~

~~**Sec. 2-302. — Members of the Gainesville Enterprise Zone Development Agency.**~~

~~The members of the Gainesville Enterprise Zone Development Agency shall have the
following qualifications and be appointed and removed as follows:~~

~~(a) — Each appointed agency member of such agency shall be at least 18 years of age. Each
member shall be an individual of outstanding reputation for integrity, responsibility,
and business ability or acumen. At least one member must be represented from each of
the following: the local chamber of commerce; local financial or insurance entities; the
businesses operating within the enterprise zone area; the residents residing within the
enterprise zone; nonprofit community-based organizations operating within the
enterprise zone area; the local private industry council; the local code enforcement
agency; and the local law enforcement agency. Any person may be appointed as a
member if that person resides or is engaged in business, practicing a profession, or
performing a service as an officer or director of a corporation or other business entity so
engaged, within the City of Gainesville, and are otherwise eligible for such
appointment under this section. The importance of minority representation on the
agency shall be considered in making appointments so that the agency generally reflects
the gender and ethnic composition of the City of Gainesville as a whole.~~

~~(b) — Within 30 days after the enactment of this section, the City Commission shall, by
ordinance, appoint each of the nine board members of the agency. The terms of office
of the members shall be for four years, except that, in making the initial appointments,
the City Commission shall designate a member to serve for each of the following terms:~~

~~(1) Two terms of three years;~~

~~(2) Two terms of two years;~~

~~(3) One term of one year;~~

the remaining initial members shall serve for terms of four years. Each term will expire on March 31 of its respective year. No member shall serve more than two consecutive four-year terms.

(c) — Before assuming the duties of the office, each appointed agency member shall qualify by taking and subscribing to the oath of office required of officials of the city.

(d) — Not less than 30 days prior to the expiration of any member's term, or within 30 days after the creation of a vacancy, the agency shall submit to the city commission the names of at least three qualified candidates. The city commission shall consider these names along with the names of any other applicants, when appointing a member to fill the next ensuing four-year term or the remainder of a vacant term.

(e) — Each member shall hold office until a successor has been appointed and has qualified. A certificate of appointment or reappointment of any member shall be filed with the clerk of the city commission, and such certificate shall be conclusive evidence of the due and proper appointment of such member.

(f) — The city commission may remove an appointed member of the agency for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if the member has been given a copy of the charges at least ten days prior to the hearing and has had an opportunity to be heard in person or by counsel.

(g) — Members of the agency shall receive no compensation for their services, but is entitled to the reasonable and necessary expenses, including travel expenses, incurred in the discharge of their duties.

Sec. 2-303. Agency bylaws and internal governance.

The city commission shall designate a chair and vice-chair from among the members of the agency. The agency shall formulate and may amend its own rules of procedure and written bylaws. Such rules and bylaws, and amendments thereto, shall not be effective until approved by the city commission. A majority of the agency's appointed board shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes, unless in any case the bylaws shall require a larger number. The agency shall hold regular meetings as often as it determines necessary to carry out the goals of F.S. Ch. 290, and shall provide in its bylaws for holding special meetings. All meetings shall be given public notice and shall be open to the public. In time for submission to the city commission, as required of all city departments, the agency shall prepare and submit to the city commission for approval a proposed budget for operation of the agency for the ensuing [ensuing] fiscal year. The proposed budget shall be prepared in the manner and contain the information required of all departments. Any funds appropriated by the city commission for operation of the agency shall be expended only as authorized by a budget approved by the city commission.

104. ~~Sec. 2-304. -- Employment of an executive director, technical experts, and such other agents~~
105 ~~and employees, permanent and temporary.~~

106 The agency may employ an executive director, technical experts, and such other agents
107 and employees, permanent and temporary, as it may require, the agency may retain its own
108 counsel and legal staff, or retain the services of the Law Department of the City of Gainesville,
109 to the extent that such legal services are available. The agency shall file with the city
110 commission and with the auditor general, on or before March 31 of each year, a report of its
111 activities for the preceding fiscal year, which report shall include a complete financial
112 statement setting forth its assets, liabilities, income, and operating expenses as of the end of
113 such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of
114 general circulation in the community a notice to the effect that such report has been filed with
115 the city and that the report is available for inspection during business hours in the office of the
116 clerk of the commission and in the office of the agency. Prior to December 1 of each year, the
117 agency shall submit to the department of commerce a complete and detailed written report
118 setting forth: its operations and accomplishment during the fiscal year; the accomplishments
119 and progress concerning the implementation of the strategic plan; the number and type of
120 businesses assisted by the agency during the fiscal year; the number of jobs created within the
121 enterprise zone during the fiscal year; the usage and revenue impact of state and city incentives
122 granted during the calendar year; and, any other information required by the department.

123. ~~Sec. 2-305. -- Gainesville enterprise zone area.~~

124 (a) ~~The area described in subsection (b) below has been found and determined by~~
125 ~~Resolution No. R-95-6, adopted February 27, 1995:~~

126 (1) ~~To chronically exhibit extreme and unacceptable levels of poverty,~~
127 ~~unemployment, physical deterioration, and economic disinvestment;~~
128

129 (2) ~~That the rehabilitation, conservation or redevelopment of the area is necessary~~
130 ~~in the interest of public health, safety, and welfare of the residents of the city;~~
131 ~~and~~
132

133 (3) ~~That the revitalization of the area can occur only if the private sector can be~~
134 ~~induced to invest its own resources to build or rebuild the economic vitality of~~
135 ~~the area;~~
136

137 Such area shall be the Gainesville enterprise zone area in which the agency shall
138 undertake activities to decrease levels of poverty, unemployment, physical deterioration, and
139 economic disinvestment in accordance with Chapter 3, Division 4 of the Gainesville Code of
140 Ordinances and F.S. Ch. 290.

141 (b) ~~The area shall consist of all the territory lying within the boundaries described as~~
142 ~~follows:~~

143 ~~Area No. 1:~~

144 Commence at the southwest corner of the intersection of N.E. 53rd Avenue and N.E. 15th
145 Street Right of Ways, as the Point of Beginning; thence run South along the west Right of
146 Way (ROW) line of said N.E. 15th Street to the north ROW line of N.E. 39th Avenue; thence
147 run West along said north ROW line to its intersection with the Seaboard Coastline Railroad
148 ROW line; thence run Northwesterly along said Railroad ROW line to its intersection with the
149 south ROW line of N.W. 53rd Avenue; thence run East along said south ROW line and along
150 the south ROW line of N.E. 53rd Avenue to its intersection with the west ROW line of the
151 aforementioned N.E. 15th Street, being the Point of Beginning, and close. All lying and being
152 in the City of Gainesville, Florida.

153 *Area No. 2:*

154 Commence at the intersection of the northeasterly Right of Way (ROW) line of Waldo
155 Road (a/k/a State Road No. 24), and the north City Limits line of the City of Gainesville,
156 (being also a point lying 1708.74 feet north of the south line of Section 14, Township 9 South,
157 Range 20 East), as the Point of Beginning; thence run East to the east line of Section 13,
158 Township 9 South, Range 20 East; thence run South to the south line of Section 24, Township
159 9 South, Range 20 East; thence run West along said south line to the North-South half mile
160 line of Section 25, Township 9 South, Range 20 East; thence run South along said North-South
161 half-mile line to the East-West half-mile line of said Section 25; thence run West along said
162 East-West half-mile line to the East-West half-mile line of Section 26, Township 9 South,
163 Range 20 East; thence run West along said East-West half-mile line to a point on the northerly
164 ROW line of N.E. 39th Avenue; thence run Northwesterly along said ROW line to the
165 centerline of the main entrance road to the Alachua County Fairgrounds property; thence run
166 Southwesterly to the southeast corner of Section 27, Township 9 South, Range 20 East (also
167 being the northeast corner of Section 34, Township 9 south, Range 20 East); thence run South
168 along the east line of Section 34, Township 9 south, Range 20 East to the point of intersection
169 of said east section line with that ROW known as South Dade Drive; thence run Southwesterly
170 along said ROW to its intersection with the N.E. 23rd Place; thence run Northwesterly along
171 said ROW and along a westerly extension of said ROW to the easterly ROW line of Waldo
172 Road; thence run Westerly to the north ROW line of N.E. 23rd Avenue; thence run West along
173 said north ROW line to the east ROW line of N.E. 15th Street; thence run North along said east
174 ROW line to the south ROW line of N.E. 31st Avenue; thence run East along said south ROW
175 line to the easterly ROW line of the aforementioned Waldo Road; thence run Northeasterly
176 along said ROW line to a point lying 1708.74 feet north of the south line of Section 14,
177 Township 9 South, Range 20 East, being the Point of Beginning, and close. All lying and
178 being in the City of Gainesville, Florida.

179 *Area No. 3:*

180 Commence at a point on the easterly Right of Way (ROW) line of Waldo Road, which
181 point lies 185 feet more or less (MOL) south of the East-West half-mile line of Section 34,
182 Township 9 South, Range 20 East, as the Point of Beginning, said point also being the
183 southwest corner of that State of Florida Sunland Property; thence run East, North and East
184 along the south line of said property to the east line of Section 34, Township 9 South, Range
185 20 East; thence run South along said east line to the north line of Section 3, Township 10
186 South, Range 20 East; thence run West along said south line to a northerly extension of the

187 west ROW line of N.E. 25th Terrace; thence run South along said northerly extension and
188 along the west ROW line of said N.E. 25th Terrace, to the north ROW line of N.E. 5th Place;
189 thence run West along said ROW to the east ROW line of N.E. 25th Street; thence run South
190 along said ROW to the north ROW line of N.E. 4th Avenue; thence run East along said ROW
191 (and along an easterly extension thereof) to the east ROW line of N.E. 25th Terrace; thence run
192 South along said east ROW to the southernmost ROW line of N.E. 3rd Place; thence run
193 Easterly along said ROW to the west ROW line of N.E. 26th Terrace;; thence run Southerly
194 along said ROW to the north ROW line of East University Avenue (a/k/a State Road No. 26);
195 thence run East along said ROW to the east line of Section 3, Township 10 South, Range 20
196 East; thence run South along said east line and the east line of Section 10, Township 10 South,
197 Range 20 East to the north ROW line of Hawthorne Road (a/k/a State Road No. 20); thence
198 run Southeasterly to a northerly extension of S.E. 27th Street; thence run South along said
199 northerly extension and along the east ROW of said S.E. 27th Street to the East West half mile
200 line of said Section 10; thence run West along said East West half mile line to the North South
201 half mile line of said Section; thence run South along said North South half mile line to the
202 north line of the south one-quarter of said Section 10; thence run West 636.24 feet; thence run
203 South to the south line of said Section 10; thence run West along said south line to a point
204 lying 160 feet east of the east ROW line of S.E. 15th Street; thence run North 320 feet (MOL);
205 thence run West to the west ROW of said S.E. 15th Street; thence run South to the south ROW
206 line of S.E. 24th Place; thence run West along said ROW to the east line of Lot 1 of the Breezy
207 Acres Addition Subdivision, as recorded in Official Records Book 98, page 679, of the Public
208 Records of Alachua County, Florida; thence run South to the south line of said subdivision;
209 thence run West to the west line of Lot 7 of said subdivision; thence run South 109 feet MOL;
210 thence run West to the west ROW line of the Atlantic CoastLine Railroad ROW; thence run
211 Northwesterly along said ROW to the south ROW line of S.E. 22nd Avenue; thence run
212 Westerly along said ROW to the west ROW line of S.E. 4th Street; thence run Northwesterly
213 along said ROW to the southerly ROW line of S.E. 20th Place; thence run Southwesterly to the
214 easterly ROW of S.E. 20th Lane; thence follow said ROW to the south ROW line of S.E. 20th
215 Place; thence follow said ROW and also the northerly ROW of S.E. 19th Place to the westerly
216 ROW of S.E. 1st Terrace; thence run Northwesterly to the southerly ROW line of Williston
217 Road (a/k/a State Road No. 331); thence run Southwesterly along said ROW line to the
218 northerly ROW line of S.E. 16th Avenue; thence run Westerly and Northwesterly along said
219 ROW line to the east ROW line of South Main Street (a/k/a State Road No. 329); thence run
220 Northerly along said east ROW line to the south ROW line of S.W. Depot Avenue; thence run
221 Southwesterly along said south ROW line to its point of intersection with the north ROW line
222 of the abandoned Seaboard Coastline Railroad; thence run Southwesterly along said
223 abandoned ROW line to its intersection with the east ROW line of S.W. 13th Street; thence run
224 North along said east ROW line to its intersection with the north ROW line of West University
225 Avenue (a/k/a State Road No. 26); thence run West along said north ROW line to its
226 intersection with the east ROW line of N.W. 19th Street; thence run North along said east
227 ROW line to its intersection with the south ROW line of N.W. 5th Avenue; thence run East
228 along said ROW line to its intersection with the east ROW line of N.W. 13th Street; thence run
229 North along said ROW line to its intersection with the south ROW line of N.W. 8th Avenue;
230 thence run East along said south ROW line to its intersection with the east ROW line of North
231 Main Street (a/k/a State Road No. 329); thence run South along said east ROW line to the
232 north ROW line of East University Avenue (a/k/a State Road No. 26); thence run East along

233 said north ROW line to its intersection with the east ROW line of N.E. 7th Street; thence run
234 North along said east ROW line to its intersection with the south ROW line of N.E. 8th
235 Avenue; thence run East along said south ROW line to its intersection with the easterly ROW
236 line of Waldo Road; thence run Northeasterly along said easterly ROW line to a point lying
237 185 feet (MOL) south of the south line of Section 34, Township 9 South, Range 20 East; being
238 the Point of Beginning, and close. All lying and being in the City of Gainesville, Florida.

239 ~~Sec. 2-306. Powers.~~

240 The agency hereby created shall have the following powers and responsibilities:

- 241 (a) ~~—To assist in the development and implementation of the strategic plan;~~
242
- 243 (b) ~~—To oversee and monitor the implementation of the strategic plan. The agency shall~~
244 ~~make quarterly reports to the city commission evaluating the progress in implementing~~
245 ~~the strategic plan;~~
246
- 247 (c) ~~—To identify and recommend to the city commission ways to remove regulatory barriers;~~
248
- 249 (d) ~~—To identify to the city commission or other governments the financial needs of, and~~
250 ~~local resources or assistance available to eligible businesses in the zone;~~
251
- 252 (e) ~~—To review, process, and certify applications for state enterprise zone tax incentives~~
253 ~~pursuant to F.S. §§ 212.08(5)(g), 212.08(5)(h), 212.08(15), 212.096, 220.181, and~~
254 ~~220.182;~~
255
- 256 (f) ~~—To provide assistance to businesses and residents within the enterprise zone;~~
257
- 258 (g) ~~—To promote the development of the enterprise zone, including preparing purchasing,~~
259 ~~and distributing by mail or other means of advertising, literature and other materials~~
260 ~~concerning the enterprise zone and enterprise zone incentives;~~
261
- 262 (h) ~~—To borrow money and apply for and accept advances, loans, grants, contributions, and~~
263 ~~any form of financial assistance from the federal government or the state, county, or~~
264 ~~other public body or from any sources, public or private for the purposes of this act, and~~
265 ~~to give such security as may be required and to enter into and carry out contracts or~~
266 ~~agreements in connection therewith; and to include in any contract for financial~~
267 ~~assistance with the federal government for or with respect to the development of the~~
268 ~~enterprise zone and related activities such conditions imposed pursuant to federal laws~~
269 ~~as the governing body deems reasonable and appropriate which are not inconsistent~~
270 ~~with the purposes of this section;~~
271
- 272 (i) ~~—To appropriate such funds and make such expenditures as are necessary to carry out the~~
273 ~~purposes of the act;~~
274

- 275 (j) ~~— To make and execute contracts and other instruments necessary or convenient to the~~
276 ~~exercise of its powers under this section;~~
277
278 (k) ~~— To procure insurance or required bond against any loss in connection with its property~~
279 ~~in such amounts and from such insurers as may be necessary or desirable;~~
280
281 (l) ~~— To invest any funds held in reserves or sinking funds, or any funds not required for~~
282 ~~immediate disbursement, in such investments as may be authorized by the act;~~
283
284 (m) ~~— To purchase, sell, or hold stock, evidences of indebtedness, and other capital~~
285 ~~participation instruments.~~

286 ~~• Secs. 2-307 — 2-320. — Reserved.~~

287 **Section 2.** Section 27-21 of the Code of Ordinances of the City of Gainesville is
288 amended by repealing the definition of “Retained, expanded or attracted load service rider” as
289 follows:

290 **Chapter 27 UTILITIES**

291 **ARTICLE II. ELECTRICITY**

292 **Sec. 27-21. Definitions**

293 ~~Retained, expanded or attracted load service rider shall mean at the sole discretion of the city,~~
294 ~~this rider may be made applicable to nonresidential electric service provided under either of the~~
295 ~~following retail rate schedules: general service demand, or large power. This rider may only be~~
296 ~~applied to service that is either retained, expanded or attracted load, as described below:~~

297 (a) ~~Retained load shall be continued service to a previously existing, creditworthy customer~~
298 ~~facing definite cessation of local operations or a customer having a documented alternative~~
299 ~~source of electric supply either from relocation, self-generation or a third party supplier.~~

300 ~~Retention of such load and/or customer must be determined by the city commission to be in the~~
301 ~~best interest of the city.~~

302 ~~(b) Expanded load shall be a minimum of 100 kW of additional verifiable service, within the~~
303 ~~same site, provided to a previously existing customer. The additional load cannot result from~~
304 ~~load shifted from another site or facility within the city's utility service area. Such expansion of~~
305 ~~load and/or facilities must be determined by the city commission to be in the best interest of the~~
306 ~~city.~~

307 ~~(c) Attracted load shall be new service of at least 100 kW that locates within the city's utility~~
308 ~~service area after having demonstrably considered sites within other feasible locations, not~~
309 ~~within the city's utility service area. Such new service, customer and facilities must be~~
310 ~~determined by the city commission to be in the best interest of the city.~~

311 ~~(d) The determination that approval of this retained, expanded or attracted load service rider is in~~
312 ~~the best interest of the city, shall be based upon the following minimal criteria:~~

313 ~~(1) Application of the rider is demonstratively necessary to either retain, expand, or~~
314 ~~attract electrical load;~~

315 ~~(2) Revenues foregone by the city under this rider, together with the fiscal cost of all~~
316 ~~other financial incentives to be offered by the city to the applicant coincidentally with this rider,~~
317 ~~shall not outweigh the long term quantitative and qualitative benefits to the city's taxpayers and~~
318 ~~utility rate payers.~~

319 ~~(3) The business activity associate with the retained, expanded, or attracted load shall be~~
320 ~~consistent with, but not limited to, the city's goals, objectives and policies regarding the~~
321 ~~following:~~

322 Land Use and Zoning

323 ~~Consistency with existing policies and plans~~
324 ~~Ability to obtain requisite approvals if any~~
325 ~~Effect upon recreation~~
326 ~~Sites within target re-development areas~~
327 ~~Environmental Impacts~~
328 ~~Water and air emissions~~
329 ~~Characteristics of solid waste generated and related control methods~~
330 ~~Stormwater~~
331 ~~History of environmental compliance~~
332 ~~Energy efficiency~~
333 ~~Economic Development Objectives~~
334 ~~Improving underemployment~~
335 ~~Industrial diversification~~
336 ~~Job creation/retention~~
337 ~~Workforce enhancement~~
338 ~~Quality of jobs~~
339 ~~Employee fringe benefits~~
340 ~~Impact on existing business~~
341 ~~Transportation Infrastructure~~
342 ~~Level of service~~
343 ~~Public transportation access~~

344
345 **Section 3.** Appendix A of the Code of Ordinances of the City of Gainesville is
346 amended by repealing UTILITIES, (1) *Electricity*, subsection k. as follows:

347 **APPENDIX A – SCHEDULE OF FEES, RATES AND CHARGES**

348 **UTILITIES:**

349 (1) *Electricity:*

k. ~~Retained, Expanded or Attracted Load Service Rider (§ 27-27):~~

~~1. General Provisions.~~

~~(A) Customer must make application to the city for service under this Rider and the city must approve such application before service hereunder commences.~~

~~(B) Conditions pertaining to any application of this Rider shall be stipulated to by contract between the city and the customer receiving service hereunder which terms are supplemental to the applicable provisions of this Code of Ordinances. Such contract shall be for a minimum term of ten (10) years.~~

~~(C) All terms and conditions under the normally applicable Rate Schedule, either General Service Demand or Large Power, shall apply to service supplied to the customer except as modified by this Rider.~~

~~2. Application of discount. For service hereunder, a percentage discount shall be applied to the normally applicable Customer Charge, Demand (kW) Charge and Energy (kWh) Charge, inclusive of any other applicable discounts. The maximum discount applicable hereunder for any twelve month period shall be 13.0%. Percentage discounts shall be specified for each of the four twelve month billing periods, beginning with the first monthly billing period for service hereunder and continuing through the forty eighth (48th) billing period. Discounts are not applicable beyond the forty eighth (48th) billing period. Hence:~~

Billing Period	Discount
1st—12th Billing Period	To be negotiated
13th—24th Billing Period	To be negotiated
25th—36th Billing Period	To be negotiated
37th—48th Billing Period	To be negotiated

Section 4. The Code of Ordinances of the City of Gainesville is amended to add a

new Chapter 3 as follows:

Chapter 3 ECONOMIC DEVELOPMENT

Article I. Enterprise Zone

Sec. 3-1. Gainesville Enterprise Zone Area

(a) The area described in subsection (b) below has been found and determined:

(1) To chronically exhibit extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment;

(2) That the rehabilitation, conservation or redevelopment of the area is necessary in the interest of public health, safety, and welfare of the residents of the city; and

(3) That the revitalization of the area can occur only if the private sector can be induced to invest its own resources to build or rebuild the economic vitality of the area;

Such area shall be known as the "Gainesville Enterprise Zone Area" in which the city shall undertake activities to decrease levels of poverty, unemployment, physical deterioration, and economic disinvestment in accordance with this Article.

(b) The area shall consist of all the land lying within the boundaries described as follows:

ALL THAT AREA LYING WITHIN THE EXISTING CITY OF GAINESVILLE LIMITS BEING EAST OF WEST 6TH STREET FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF NW 53RD AVENUE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SW ARCHER ROAD; AND ALL THAT AREA LYING EAST OF SW 13TH STREET AND THOSE PROPERTIES ABUTTING THE WEST LINE OF SW 13TH STREET, ALL BEING BETWEEN ARCHER ROAD AND THE SOUTHERLY CITY LIMIT LINE EXCLUDING THE SHANDS HOSPITAL PROPERTY; AND THAT AREA WITHIN THE EXISTING CITY LIMITS BEING BOTH NORTH OF NE 53RD AVENUE AND EAST OF NE 15TH STREET.

ALSO, THAT PORTION OF AREA NO. 3 OF THE FORMER ENTERPRISE ZONE PER CITY ORDINANCE NO. 4069, LYING WEST OF WEST 6TH STREET, EAST OF WEST 13TH STREET, SOUTH OF NW 8TH AVENUE AND NORTH OF ARCHER ROAD (STATE ROAD NO. 24) AND THAT PORTION OF SAID EXISTING AREA NO. 3 LYING WEST OF NW 13TH STREET, SOUTH OF NW 5TH AVENUE, EAST OF NW 19TH STREET AND NORTH OF UNIVERSITY AVENUE (STATE ROAD NO. 26).

The area is depicted on the map attached as Exhibit "A" to this ordinance, and made a part hereof, said map also being on file in the City's office of Economic Development and Innovation.

419 Sec. 3-2. Gainesville Enterprise Zone Programs

420 (a) Manufacturing Retention/Expansion Incentive Program for Electric Service

421 (1) Creation and Purpose of Program. There is hereby created an economic
422 development incentive program known as the "manufacturing retention/expansion incentive
423 program for electric service." The purpose of the program is to encourage manufacturing
424 businesses to stay within or expand within the Gainesville Enterprise Zone Area. The program
425 provides reimbursement for 20% percent of the Gainesville Regional Utilities (GRU) Customer
426 Charge, Demand (kW) Charge and Energy (kWh) Charge, after application of any other
427 discounts, paid by the manufacturing business. Each year during the City's budget process,
428 including the amendatory budget process, the City Commission may, in its sole discretion,
429 decide whether to fund this program. If the program is funded, new applications will be
430 processed in order of date and time received and approvals will be limited to the funding, if
431 any, provided for the program in the city budget.

432 (2) Eligibility. In order to apply for the program, a business must meet the
433 following requirements:

434 a. Be an existing non-residential customer receiving electric utility
435 service from GRU;

436 b. Have a minimum annual average electric usage of 400 kilowatt hours
437 per month, calculated as the total kilowatt hour usage during the previous 12 full
438 months divided by 12;

439 c. Not have any delinquencies in payment of its GRU bill within the 12
440 months immediately preceding the application date;

441 d. Be engaged in manufacturing (as defined in Sector 31-33 of the North
442 American Industry Classification System, as same may be updated from time to time)
443 within the Gainesville Enterprise Zone Area; and

444 e. Must demonstrate that it is actively seeking to relocate its
445 manufacturing operations outside of the Gainesville Enterprise Zone Area or that it is
446 seeking to expand (defined as a minimum additional average annual monthly usage of
447 100 kilowatt hours on the same site and not transferred from another site receiving
448 GRU electric service) its manufacturing operations within the Gainesville Enterprise
449 Zone Area.

450 (3) Application process. A business that meets the above requirements may
451 apply for the program by submitting an application on the form provided by the city.
452 Upon receipt of a complete application, the City Commission will evaluate the
453 application to determine, in its sole discretion, if:

454 a. All eligibility requirements specified in (2) above are met;

b. The business has demonstrated that “but for” the program, the business would either move its manufacturing operations outside of the Gainesville Enterprise Zone Area or would not expand its manufacturing operations within the Gainesville Enterprise Zone Area;

c. The manufacturing operations are consistent with the city’s Economic Development Strategic Action Plan on file on the city’s Economic Development and Innovation webpage; and

d. The manufacturing operations are consistent with the city’s comprehensive plan and are not the subject of any pending citation(s) for violation of the city’s code of ordinances.

(4) Program Terms. Approval by the City Commission will be subject to the following program terms:

a. The incentive granted shall be for a term of 4 years, with an opportunity to request one extension for up to an additional 4 years. The City Commission may determine, in its sole discretion, to grant or deny the extension. No applicant may receive more than 8 years of incentive payments under this program;

b. The business shall remain actively engaged in manufacturing (as defined in Sector 31-33 of the North American Industry Classification System, as same may be updated from time to time) within the Gainesville Enterprise Zone Area throughout the term of the incentives;

c. The business shall maintain a minimum annual average electric usage of 400 kilowatt hours per month, calculated as the total kilowatt hour usage during the previous 12 full months divided by 12 throughout the term of the incentives;

d. The business shall submit its invoice for reimbursement to the city manager or designee after of the end of each fiscal quarter (December, March, June and September.) The invoice shall include copies of the actual GRU bills, that include the Customer Charge, Demand (kW) Charge and Energy (kWh) Charge, after application of any other discounts, paid by the business during that fiscal quarter pursuant to this program. Upon verification of actual amounts paid to GRU, the city will process the invoice for reimbursement to the business; and

e. In order to receive payment under this program, the approved applicant shall enter into a contract on the form provided by the City that includes the above program terms, along with other standard contract terms.

Section 5. It is the intent of the City Commission that the provisions of Sections 1 through 4 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intent.

Section 6. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 7. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 8. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____, 2018.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

Clerk of the Commission

Nicolle M. Shalley
City Attorney

This ordinance passed on first reading this ____ day of _____, 2017.

This ordinance passed on second reading this ____ day of _____, 2018.

