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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Gainesville is hereby repealed in its entirety as follows: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:~~

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

*Area No. 2:*

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

*Area No. 3:*

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



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

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

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

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

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

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

~~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
1 <sup>st</sup> —12 <sup>th</sup> Billing Period	To be negotiated
13 <sup>th</sup> —24 <sup>th</sup> Billing Period	To be negotiated
25 <sup>th</sup> —36 <sup>th</sup> Billing Period	To be negotiated
37 <sup>th</sup> —48 <sup>th</sup> 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 6<sup>TH</sup> STREET FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF NW 53<sup>RD</sup> AVENUE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SW ARCHER ROAD; AND ALL THAT AREA LYING EAST OF SW 13<sup>TH</sup> STREET AND THOSE PROPERTIES ABUTTING THE WEST LINE OF SW 13<sup>TH</sup> 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 53<sup>RD</sup> AVENUE AND EAST OF NE 15<sup>TH</sup> STREET.

ALSO, THAT PORTION OF AREA NO. 3 OF THE FORMER ENTERPRISE ZONE PER CITY ORDINANCE NO. 4069, LYING WEST OF WEST 6<sup>TH</sup> STREET, EAST OF WEST 13<sup>TH</sup> STREET, SOUTH OF NW 8<sup>TH</sup> AVENUE AND NORTH OF ARCHER ROAD (STATE ROAD NO. 24) AND THAT PORTION OF SAID EXISTING AREA NO. 3 LYING WEST OF NW 13<sup>TH</sup> STREET, SOUTH OF NW 5<sup>TH</sup> AVENUE, EAST OF NW 19<sup>TH</sup> 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 4th day of January, 2018.

  
\_\_\_\_\_  
LAUREN POE  
MAYOR

Attest:

Approved as to form and legality:

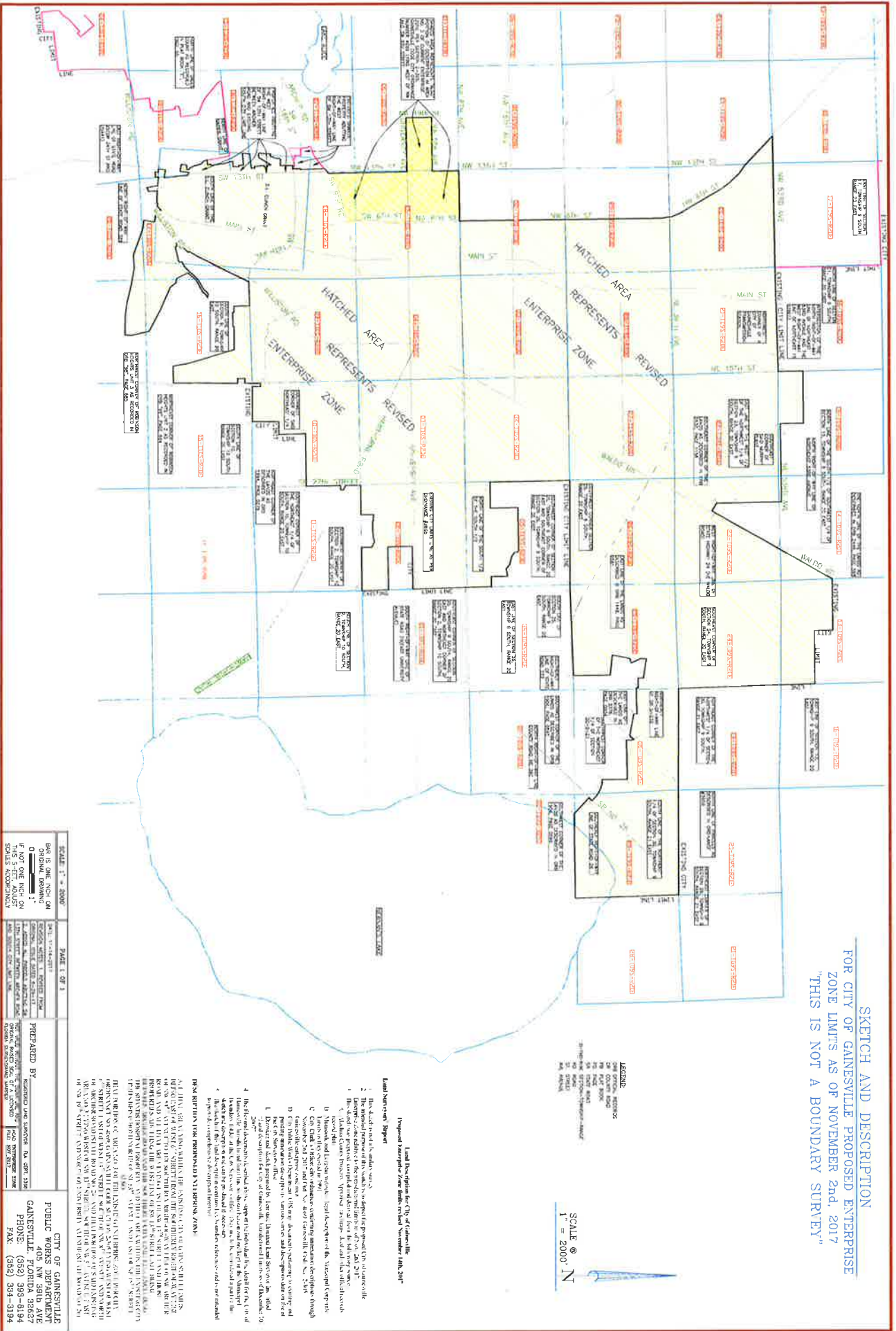
  
\_\_\_\_\_  
Michelle D. Gurney  
Clerk of the Commission

  
\_\_\_\_\_  
Nicolle M. Shalley  
City Attorney

This ordinance passed on first reading this 7th day of December, 2017.

This ordinance passed on second reading this 4th day of January, 2018.

SKETCH AND DESCRIPTION  
FOR CITY OF GAINESVILLE PROPOSED ENTERPRISE  
ZONE LIMITS AS OF NOVEMBER 2nd, 2017  
"THIS IS NOT A BOUNDARY SURVEY"



SCALE 1" = 200'	PAGE 1 OF 1
846 IS ONE INCH ON 0 INCHES IF NOT ONE INCH ON THIS SHEET, ADJUST SIZES ACCORDINGLY	PREPARED BY CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT GAINESVILLE, FL 32601 PHONE: (352) 389-6194 FAX: (352) 384-3194