



## **APOPKA COMMUNITY REDEVELOPMENT AGENCY AGENDA**

**December 6, 2023 1:00 PM**

**Apopka City Hall Council Chambers**

**APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:**

<https://www.youtube.com/CityofApopkaFL>

### **CALL TO ORDER**

### **INVOCATION**

### **PLEDGE**

### **APPROVAL OF MINUTES**

CRA - Meeting Minutes of 08/16/23

1. CRA minutes of August 16, 2023

### **PUBLIC COMMENT PERIOD**

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

### **PRESENTATION**

### **NEW BUSINESS**

1. Resolution Number 2023-03, to approve City Council Resolution 2023-37 to extend the CRA for three years; and approve the Interlocal Agreement with Orange County for the CRA.

### **OLD BUSINESS**

### **ADJOURNMENT**

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Community Redevelopment Agency with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Community Redevelopment Agency meeting shall be the voluntary offering of a private person, to and for the benefit of the Community Redevelopment Agency meeting. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Community Redevelopment Agency meeting or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the Community Redevelopment Agency meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

**Minutes of the City of Apopka Community Redevelopment Agency (CRA), held August 16, 2023, at 6:00 p.m. in the City of Apopka Council Chambers.**

**CALL TO ORDER:** Chair Nelson called to order the Community Redevelopment Agency Board meeting at 6:04 p.m.

**ROLL CALL:** Chairman Bryan Nelson  
Member Kyle Becker  
Member Nick Nesta  
Member Alexander Smith  
Member Diane Velazquez  
Member Linda Voll  
Member Nikki Williams

**APPROVAL OF MINUTES**

**1. CRA meeting minutes of 06/21/23 & 07/19/23**

**Chairman Nelson** said we have two (2) sets of minutes, one from 06/21/23 and one from 07/19/23 and asked for a motion to approve.

**MOTION by Member Velazquez and seconded by Member Nesta to approve the two sets of CRA minutes. Motion carried unanimously with Chair Nelson, and Members Becker, Nesta, Smith, Velazquez, Voll and Williams voting aye.**

**PUBLIC COMMENT**

**Ella Duke**, 40 E. 5<sup>th</sup> Street, Apopka, FL 32703, said thank you for allowing me to speak tonight about the CRA Budget. She said she wanted to thank Chief McKinley and Captain King who cleared some time on their schedule two (2) weeks ago to meet with myself and some of the other CRA Stakeholders regarding some of our concerns as business owners. She said during this time, we got a great education of what was and was not possible for the Police Department to do for us. She said we discussed some of the incidents that have occurred since we opened, some good and some scary and we talked about what was possible to do right away and how. She said she's in the process of opening Halls on 5<sup>th</sup>, which will be Apopka's first food hub and said herself and fellow board members from Main Street Apopka are here in support. She said we're doing everything we can to create a busy, bustling and fun Downtown Apopka, but we need support. She said Chief McKinley explained that right now, he's short staffed and there are budget constraints so what we discussed the possibility of using some CRA funds to help pay for some off duty officers for weekends, specifically night time and some events. She said when we talk about more people being downtown, she said we have one chance to make an impression on our customers and said if that impression is not safety, not fun, not a good place to bring their friends, all of our investments and hard work is for naught.

**Commissioner Christine Moore**, 2145 Palm Crest Drive, Apopka, FL 32712 said she's glad we're holding monthly meetings and said she thinks this will show great dividends and improvement. She said she worked with Jim on the budget and said this is a good budget. She said the reason she wasn't here last month was that she was attending the Main Street Conference in Ocala. She encouraged us to maintain the CRA and said that a healthy CRA is about 20% of the effort and starts there to improve the downtown. She said what she learned at the conference, is that the County does not have a preservation ordinance and said the County is not in the main street business and said she will work with the City and the County on this. She said what she learned in Ocala was that in order to maintain that historic stock, you must have a preservation ordinance and said she recommends that highly. Once that is implemented, a non-profit preservation board can be formed. She said if you get a chance to drive through Ocala, look at their downtown historic district. She said it's amazing and has really made a difference for them and said in addition, Ocala has a very vibrant Economic Development Department. She said congratulations for working hard on this and said as this gets going, she thinks some of these other pieces will help make the downtown even stronger.

**Matthew Hutchinson**, 72 East Main Street, Apopka, FL 32703, said he wanted to echo the thoughts of Ella Duke and said he appreciates Chief McKinley meeting with us and strategizing what they can do and what we can do better. He said we were enlightened to a lot of the challenges that the Police Department has and said since we're in the CRA area, he hopes that some of those funds can help us and the Police Department to revitalize this area. He said Ella is right and we only have one shot at this and said if we get a customer that is not happy, they're not coming back. He said he knew this when he bought this property but said we need more police presence although he said they've been doing a great job monitoring our properties in the evening. He said he's had calls at 1:00 a.m. to let me know there's a door open but said we need to see more presence during the day as that's when the vagrants that are causing problems are around and co-mingling with customers. He said he's trying not to complain and said he attends the homeless meetings and said he recalls one thing they said which was "government is not the answer to the homeless crisis". He said they reported that Los Angeles is spending 1 billion dollars toward the homeless crisis and it's just getting worse. He said this needs to be a co-op between the government and all of the faith based and business owners like us to where we come together and try and deal with it in a way that's humane. He said this is more of a compromise of people that need help and want help and said the ones that don't want that, we have to figure out what to do with them. He said this area is deemed CRA for a reason and that is that it's a distressed area and needs to be revitalized so if there is money we can use for the police department and for the homeless crisis.

**Sylvester Hall**, 3091 Rolling Hills Lane, Apopka, FL 32712, said he also had a chance to attend the homeless meeting the other day and said when we talk about the homeless, we talk about them like they're not human. He said most of us are one paycheck from being homeless or one job from being homeless. He said he's the one that brought up the money and the question of the \$160,000 and said he pays his taxes and we pay our taxes and said this is not the City money, it's our taxes and we tell the City what we

want done with our money. He said if he's not mistaken, that money was donated by a company and said if care about the homeless but we have \$160,000 to give to the ARC to get a program started and we don't do that, do we really care about the homeless and do we really want to make a difference? He stated that if the Mayor wanted an ARC for the homeless, it would have already been established. He said with the CRA, he challenged everyone to ride up and down every street and said this money is allocated to fixing the problem that we're talking about but believes the money will go somewhere else. He said poverty breeds poverty and said it's amazing how we can make a business decision to tear down an old building that's functioning perfectly fine and said we can build a new mall or a new plaza how busy it becomes but how can we think that leaving poverty in its existence will create something different.

**Jim Hitt, CRA Director**, went over the changes from the CRA Workshop and said there are 2 Resolutions that are part of the approvals for tonight. The first is Resolution 2023-01 which is a requirement under Florida Statutes to declare that money for the following years budget and that total is \$3,138,599 and said the second is Resolution 2023-02 and this is the actual Budget in short form for the total which is \$4,163,599. He said the CRA was established in 1994 and said at the same time, we established the Board and the Tax Increment Financing portion, which created the Redevelopment Trust Fund to capture the tax increases for property taxes as they go up. He stated that we captured 95% of that from the City and the County that's reinvested into the downtown itself., He said in terms of the last meeting, we went over the proposed budget and after speaking with Commissioner Moore and the Council members that were available and said there are a couple of changes. He said the highlighted portion is in regards to the Pump Track and the Skate Park. He said originally, we put in \$400,000 for that and said we're looking at cutting that down to \$200,000 for the parking lot, itself, which is N of the Fran Carlton Center. **Member Becker** asked why this change is being made as our residents have been asking for that for some time, and at our last meeting, there was no objection to that and the public gets excited about it and now we're going back on that. **Mr. Hitt** stated that this was a request from Commissioner Moore. **Member Becker** said he can appreciate Commissioner Moore having a point of view however we're the CRA Board at the present moment and said we want to work collaboratively on this however we make that decision on this Board. **Mr. Hitt** stated that one of the things that we do need to do though is get the parking lot done. **Chairman Nelson** stated that to Member Becker's point, the CRA sunsets as of December 31<sup>st</sup>. **Member Becker** said let's say the CRA doesn't get approved and it goes away and asked what our annual expenditure has been out of our CRA the past 5 years to which **Mr. Hitt** stated we haven't. **Member Becker** then stated we've been sitting on \$4 million, \$3 million, #2 million bucks for as long as he's sat on this CRA board and said at the end of the day, we want to get something done. He said when we spoke on Monday, we discussed that this was more to shift money from the skate park to a full façade and said that's not what happened here and said why should we feel like this is some huge threat to our City if the CRA doesn't get renewed as we're not doing anything with it anyway. He further said he received a lot of positive feedback about the skatepark. **Mr. Hitt** said obviously this is one version and we can go to another version if we need to and said that's why we're discussing this before Budget approval. He said

what he did was include the skate park and the pump track and put in as much parking as he could. He said if we go with just the parking, we can extend that farther and we still have the space available and said whether we do that with any other Parks and Recreation Grant or other available funding, that's an option. He said anything that is budgeted this year, will still be done, whether or not the CRA does get extended and said those funds will be extended until they're done as they are a part of the budget. He said he added \$30,000 for the downtown park itself as we want to put in tables, drinking fountains and a bike rack so the cost will be closer to \$50,000 to make it a nice park setting. He said one of the things what was not pointed out at previous meetings was that if we do have a tenant coming in that wants to get more funding, we do have the opportunity to come to the CRA Board and request more funding for a larger amount. He gave an example of the SW corner of Central and Main Street where Henry's Meats was and said if someone wanted to come in and put in a new multi-tenant building, we can request more funding which can go toward Impact Fees or Building Permit Fees. He said he's sent multiple letters to the owner of that property letting them know we do have funding for buildings and said so far, they've been unanswered. He said the other portion is we put \$100,000 toward Community Oriented Policing Program and said Chief McKinley has some background information on that. He said as he mentioned, we can stay with the original program but this is something he put together as a compromise for different funding in different ways. **Member Becker** said hopefully we can compromise a little further as we have \$2.5 million dollars allocated to the trail system and said this is money that's been carried over for multiple years and said if history is a guide, we likely won't spend that full amount in a 12 month period. **Mr. Hitt** said while it may not be spent this calendar year but it will get spent this fiscal year. He said we also added in the southern portion of Station Street going from 6<sup>th</sup> Street toward Park Avenue, making that a one-way with parking on both sides providing more circulation. **Chairman Nelson** asked if on the original design, did we have some cement along with the asphalt included. **Mr. Hitt** confirmed yes and said he'll open it up for discussion as those are the main changes.

**Member Becker** stated that he appreciates that Commissioner Moore wants to put more money into the façade and said he doesn't dispute that and said there's a way we can achieve that, while still doing the skate park and the bike park which definitely has the support of the community. **Mr. Hitt** said that's part of the second resolution and said we're already accounting for the ad-valorem taxes at \$950,000 coming in and said the funding from reserves is \$3.1 million which brings it up to the \$4.1 million. He said if we decreased the budget for the trail, we can't fund the trail as we can't award a contract based on future funding that may be coming in. **Member Becker** stated he wants to get the skate park done for our residents and said we've talked about this at the last meeting and no one had any firm objective to it. **Member Nesta** agreed and said it's been promised for years and said it help build community and further stated that if we're adding a parking lot that wasn't discussed, it should be Alonzo Williams Park, as we discussed at a prior meeting and agreed that we take the funds from the trail and disburse it that way. **Mr. Hitt** stated that the other thing we can do would be to take this from the residential fee assistance program as we bumped that up this year from \$200K to \$400K and said we can adjust that funding and use toward this. **Member Becker** stated that that is a good point and said all of these ear-marked encumbered dollars have not been fully utilized and said

he believes people desire to see tangible things that they can go and use, see, and have confidence that we're trying to make a better community within our CRA. He said however we make this work, the outcome should be that we leave that on the budget as discussed at the last meeting. **Member Smith** said he's in favor of the skate park and said he's been to the one in Orange County and saw how much that is used and would like to see the skate park stay and stated he would also like to see us appropriate some funding to the Community Policing as well, which is in the CRA and said not just in the Halls Feed Store area but also in the area where Naughty Lobstah is and said we need to encompass all of the area. **Mr. Hitt** said we could keep the façade renovation program where it is at the \$30K, knowing that if there is additional funding needed, we can come back to the CRA Board and request additional money. **Member Velazquez** asked how much we were using for the Community Policing to which **Mr. Hitt** stated \$100K. She said as far as the skate park goes, she agrees that this has been going around and around since 2015 and said it's the same families that are asking for this and the sport is growing. She said Ocoee just opened one up and said she went by to see it and it's very nice and said Osceola County is also investing in it as well and said we're driving our young people to go to other skate parks and we have an opportunity to have a skate park for them. **Mr. Hitt** said this is a benefit and will be connected by the trail as well. **Chairman Nelson** asked Radley Williams if he had a piggy-back agreement for the skate park and the pump track. **Radley Williams**, Parks Director, stated there are piggy-backs available for design and build of skate parks and pump tracks and if the funding is allocated we would be able to move on that to bring back for City Council review. **Member Becker** asked about the design and said he has a feeling that the façade of \$100K is non negotiable and said for the downtown Apopka Trail, this is for construction only, correct? **Mr. Hitt** confirmed that is correct. **Member Nesta** asked if we expect the new Hannibal development for the affordable housing coming in will be using some of those impact fees. **Mr. Hitt** said that we aren't going to fund all 24 of those and it will likely be a maximum of 10 units as we have additional projects coming in also. **Chairman Nelson** asked Member Williams if she had anything to add. **Member Williams** said nothing more than has already been said and agrees with Member Becker about the skate park and the community policing and is in favor of that approach. **Member Voll** said on community policing, she would like to see a dedicated officer and said this will cut down on crime in the area. **Chairman Nelson** called upon Chief McKinley, Chief of Police. **Chief McKinley**, said we do have a dedicated officer and said his crime prevention officer is certified in CPTED (Certified Prevention Through Environmental Design) through the State that goes around the community and does a true CPTED and provides the business owner or the residence a certificate and recommendations for what they can do such as lowering the hedges lower than the window, proper lighting, etc. This is an overall review of your security measures. He said he agrees with Member Becker that he shouldn't be in front of you asking for money however we're technically in the area of 22 people short. He said we did have a bike unit and have 8 people trained in bikes and just bought 6 new ones this year to patrol the downtown area and entire CRA unit, however we don't currently have the staffing to put that out there. He said the Sheriff's office has funding through a program called Safe Streets because they can't provide the resources they need in South Apopka and said this funding provides them with the opportunity to pay officers to patrol the officers to patrol South Apopka. He said by using the CRA resources, we're not using the resources set to

the side for the entire community. He said our Department may be going to 12 hour shifts in the near future as that puts more people out on the street.

Member Becker stated that as it relates to the Budget, he would move that we reduce the residential fee assistance program from \$400K to \$300K; Reduce the Downtown Apopka Trail Construction from \$2,515,629 million down to \$2,415,629 million and increase improvements other than buildings, adding scope to the parking for events north of Fran Carlton to return the skate park and pump track and increase that allocation from \$200K to \$400K. for the same overall budget.

## NEW BUSINESS

1. CRA Fiscal Year 2024 Budget Approval in accordance with Florida Statutes

**Member Becker** made a motion that as it relates to the Budget, he would move that we reduce the residential fee assistance program from \$400K to \$300K; Reduce the Downtown Apopka Trail Construction from \$2,515,629 million down to \$2,415,629 million and increase improvements other than buildings, adding scope to the parking for events north of Fran Carlton to return the skate park and pump track and increase that allocation from \$200K to \$400K. for the same overall budget.

**MOTION by Member Becker and seconded by Member Nesta to approve the Budget as read above. .Motion carried unanimously with Chair Nelson, and Members Becker, Nesta, Smith, Velazquez, Voll and Williams voting aye.**

2. Resolution Number 2023-01, to appropriate existing Redevelopment Trust Funds to the next FY 2024

**Jim Hitt** read Resolution 2023-01 and said this is to move the unexpended funds in the amount of \$3,138,599 to FY 2024.

**MOTION by Member Becker and seconded by Member Smith to approve Resolution No. 2023-01. . Motion carried unanimously with Chair Nelson, and Members Becker, Nesta, Smith, Velazquez, Voll and Williams voting aye.**

3. Resolution Number 2023-02, to approve the CRA FY 2024 Budget

**Jim Hitt** read Resolution 2023-02 and said this is to approve the CRA Budget for FY 2024 with the 3 changes as read in the 2024 CRA Budget Approval above.

**MOTION by Member Becker and seconded by Member Nesta to approve Resolution No. 2023-02. . Motion carried unanimously with Chair Nelson, and Members Becker, Nesta, Smith, Velazquez, Voll and Williams voting aye.**

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:54 p.m.

ATTEST

\_\_\_\_\_  
Bryan Nelson, Chairman

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Susan M. Bone, City Clerk



## City of Apopka COMMUNITY REDEVELOPMENT AGENCY STAFF REPORT

**Section:** NEW BUSINESS

**Item #:** 1.

**Meeting Date:** December 6, 2023

**Department:** Community Development

**SUBJECT:**

Resolution Number 2023-03, to approve City Council Resolution 2023-37 to extend the CRA for three years; and approve the Interlocal Agreement with Orange County for the CRA.

**REQUEST:**

Two approvals:

1. Approve Resolution Number 2023-03
2. Recommend approval to the City Council of the Interlocal Agreement with Orange County for the CRA

**SUMMARY:**

On June 28, 1993, the City of Apopka adopted Resolution No. 9316, creating the Apopka Community Redevelopment Agency (CRA) and adopting the Apopka Community Redevelopment Plan. Because Orange County is a Charter County, they also authorized the CRA via Resolutions 93-M-38, 93-M-39, and 95-M-25, as required by Fla. Stat. 163.410.

On September 26, 1995, the City of Apopka, the CRA, and Orange County executed an Interlocal Agreement providing for certain matters with respect to the operations of the CRA and providing a sunset date of January 1, 2024; and

On June 21, 2017, the City adopted Resolution 2017-10 approving certain modifications to the CRA Redevelopment Plan, and on August 29, 2017, the County adopted Resolution 2017-M-29 approving the City's modifications to the Plan.

Following this CRA meeting, the City Council is scheduled to hear Resolution Number 2023-37 to approve the extension of the CRA termination date for an additional three (3) years. The City had originally requested a 10-year extension that Orange County rejected (Resolution Number 2023-35). Because Orange County has to authorize any extension, staff is recommending approval of the attached CRA Resolution Number 2023-03 which recommends the City Council approve Resolution Number 2023-37 for the three (3) years.

In addition to the Resolution, the City Council will also hear the request for a new Interlocal Agreement for the CRA. This is also a requirement of Florida Statutes.

The Orange County Board of County Commissioners (OCBCC) is scheduled to hear this request on Tuesday, December 12, 2023 at 9:00 a.m. City staff will also present this request along with specific large item timelines from this fiscal year's budget.

The OCBCC will approve the 3-year extension to the Apopka CRA subject to the following conditions:

- a. Orange County Government shall be recognized, alongside the City, for any capital improvement projects and other major accomplishments using tax increment funds revenue ("TIF");
- b. Beginning with calendar year 2024, within 90 days of the close of the City's fiscal year, the City shall provide an annual update to the Board regarding the CRA activities and use of the TIF; and

- c. The initial extension of the sunset date shall be to January 1, 2027 (the "Initial Sunset"), with the ability to extend to January 1, 2034 (the "Extended Sunset"), provided, the City shall send written notice of the request to extend the CRA beyond the Initial Sunset to the Deputy County Administrator at least 120 calendar days prior to December 1, 2026, and shall include in such request a list of all CRA Plan projects, completion status, and associated TIF revenues spent on each project since October 1, 2023, calculated as the mean of annual expenditures divided by annual revenues.

The County will base its decision to extend the CRA to the Extended Sunset, in part, on whether the City has expended fifty percent (50%) or more of TIF revenues within the last fiscal year. Should the County choose to extend the CRA to the Extended Sunset, the City will be required to follow the process set forth in Section 163.3161, Florida Statutes, as may be amended, to modify the sunset date of the CRA. Any decision to extend the CRA to the Extended Sunset will not become effective until the Board has approved such Extended Sunset via resolution at a public meeting.

**FUNDING SOURCE:**

n/a

**RECOMMENDED MOTION:**

Approve Resolution Number 2023-03.

Recommend approval of the Interlocal Agreement between the City of Apopka and Orange County for the CRA.

**ATTACHMENTS:**

1. CRA Resolution 2023-03 3-year extension CRA 12-6-23 (RGK edits)
2. Resolution 2023-37 (RGK Edits)
3. First Amendment to Interlocal Agreement Final 12-1-23

**CITY OF APOPKA  
COMMUNITY REDEVELOPMENT AGENCY  
RESOLUTION NO. 2023-03**



**A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF APOPKA, FLORIDA, RECOMMENDING APPROVAL TO THE APOPKA CITY COUNCIL OF RESOLUTION NUMBER 2023-37 FOR THE THREE-YEAR EXTENSION OF THE CRA TO ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 28, 1993, the City of Apopka, Florida (the “City”) adopted Resolution No. 9316, creating the Apopka Community Redevelopment Agency (the “CRA”) and adopting the Apopka Community Redevelopment Plan (the “Plan”); and

**WHEREAS**, the City’s creation of the CRA and operations related thereto were duly authorized by Orange County (the “County”) via Resolutions 93-M-38, 93-M-39, and 95-M-25, as required by Fla. Stat. 163.410; and

**WHEREAS**, on or about September 26, 1995, the City, CRA, and County executed that certain Interlocal Agreement between Orange County, Florida, the City of Apopka, Florida, and the Apopka Community Redevelopment Agency (the “Interlocal Agreement”) providing for certain matters with respect to the operations of the CRA and providing a sunset date of January 1, 2024; and

**WHEREAS**, on or about June 21, 2017, the City adopted Resolution 2017-10 approving certain modifications to the Plan; and

**WHEREAS**, on or about August 29, 2017, the County adopted Resolution 2017-M-29 approving the City’s modifications to the Plan; and

**WHEREAS**, on or about December 6, 2023, the CRA will recommend to the Apopka City Council to approve the adoption of Resolution Number 2023-37 approving the extension of the CRA termination date for an additional three-years subject to the conditions contained herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Community Redevelopment Agency of the City of Apopka, Florida, as follows:

**Section 1.** The foregoing recitals are hereby verified as true and correct and are adopted as a material part of this Resolution.

**Section 2.** The City of Apopka CRA hereby adopts and approves the continued existence of the CRA and the Plan and extends the duration of each until January 1, 2027 (the “Initial Sunset”), provided that:

- a. The City recognizes Orange County Government for any capital improvement projects and other major accomplishments using tax increment funds revenue (“TIF”);
- b. Beginning with calendar year 2024, within 90 days of the close of the City’s fiscal year, the City shall provide an annual update to the County Board of Commissioners

- regarding the CRA activities and use of the TIF; and
- c. The City shall send written notice of the request to extend the Initial Sunset to January 1, 2034, to the Deputy County Administrator at least 120 calendar days prior to December 1, 2026, and shall include in such request a list of all CRA Plan projects, completion status, and associated TIF revenues spent on each project since October 1, 2023, calculated as the mean of annual expenditures divided by annual revenues.

**Section 3.** The City of Apopka CRA hereby recommends approval of Resolution Number 2023-37 to the City of Apopka City Council to execute an amendment to the Interlocal Agreement incorporating the conditions set forth in Section 2, above, and providing for and authorizing the CRA and the Plan extension to January 1, 2027, with the option for an additional seven (7) years to be determined prior to the completion of the three (3) year extension

**Section 4.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, determined invalid, void, voidable, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining Resolution unless the purpose of this Resolution is frustrated thereby.

**Section 5.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 6<sup>th</sup> day of December, 2023, by the Community Redevelopment Agency of the City of Apopka., Florida.

ATTEST:

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Bryan Nelson, Chairman  
City of Apopka, Florida

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Susan Bone, City Clerk

**RESOLUTION NO. 2023-37**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA APPROVING EXTENSION OF THE APOPKA COMMUNITY REDEVELOPMENT AGENCY'S TERMINATION DATE; MODIFYING THE APOPKA COMMUNITY REDEVELOPMENT PLAN'S TERMINATION DATE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, on or about June 28, 1993, the City of Apopka, Florida (the "City") adopted Resolution No. 9316, creating the Apopka Community Redevelopment Agency (the "CRA") and adopting the Apopka Community Redevelopment Plan (the "Plan"); and

**WHEREAS**, the City's creation of the CRA and operations related thereto were duly authorized by Orange County (the "County") via Resolutions 93-M-38, 93-M-39, and 95-M-25, as required by Fla. Stat. 163.410; and

**WHEREAS**, on or about September 26, 1995, the City, CRA, and County executed that certain Interlocal Agreement between Orange County, Florida, the City of Apopka, Florida, and the Apopka Community Redevelopment Agency (the "Interlocal Agreement") providing for certain matters with respect to the operations of the CRA and providing a sunset date of January 1, 2024; and

**WHEREAS**, on or about June 21, 2017, the City adopted Resolution 2017-10 approving certain modifications to the Plan; and

**WHEREAS**, on or about August 29, 2017, the County adopted Resolution 2017-M-29 approving the City's modifications to the Plan; and

**WHEREAS**, on or about November 1, 2023, the City adopted Resolution 2023-35 approving the extension of the CRA termination date; and

**WHEREAS**, on or about November 8, 2023, the County demanded that the City amend Resolution 2023-35 to change the termination date to a three (3) year period with an option for an additional seven (7); and

**WHEREAS**, the City Council finds conditions of slum and/or blighted areas continue to exist within the CRA area, and finds that the purposes of the CRA and the public health, safety, and welfare will be served by extending the Plan for an additional three (3) years, with the option for an additional seven (7) years to be determined prior to the completion of the three (3) year extension subject to the conditions contained herein.

**WHEREAS**, in accordance with the Plan and enacting resolutions, the initial term of the CRA and Plan is set to sunset on January 1, 2024.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**

APOPKA, FLORIDA THAT:

**Section 1.** The foregoing recitals are hereby verified as true and correct and are adopted as a material part of this Resolution.

**Section 2.** The City Council hereby adopts and approves the continued existence of the CRA and the Plan and to extend the duration of each until January 1, 2027 (the “Initial Sunset”), provided that:

- a. The City recognizes Orange County Government for any capital improvement projects and other major accomplishments using tax increment funds revenue (“TIF”);
- b. Beginning with calendar year 2024, within 90 days of the close of the City’s fiscal year, the City shall provide an annual update to the County Board of Commissioners regarding the CRA activities and use of the TIF; and
- c. The City shall send written notice of the request to extend the Initial Sunset to January 1, 2034, to the Deputy County Administrator at least 120 calendar days prior to December 1, 2026, and shall include in such request a list of all CRA Plan projects, completion status, and associated TIF revenues spent on each project since October 1, 2023, calculated as the mean of annual expenditures divided by annual revenues.

**Section 3.** The City Council hereby resolves the City, CRA, and County to execute an amendment to the Interlocal Agreement incorporating the conditions set forth in Section 2, above, and providing for and authorizing the CRA and the Plan extension to January 1, 2027 with the option for an additional seven (7) years to be determined prior to the completion of the three (3) year extension; and.

**Section 4.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, determined invalid, void, voidable, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining Resolution unless the purpose of this Resolution is frustrated thereby.

**Section 5.** This Resolution shall take effect immediately upon adoption.

**ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2023, by the City Council of the City of Apopka, Florida.

**CITY OF APOPKA, FLORIDA**

\_\_\_\_\_  
BRYAN NELSON, MAYOR

ATTEST:

\_\_\_\_\_  
SUSAN BONE, CITY CLERK

**FIRST AMENDMENT TO INTERLOCAL REDEVELOPMENT AGREEMENT  
BETWEEN ORANGE COUNTY, FLORIDA, THE CITY OF APOPKA, FLORIDA  
AND THE APOPKA COMMUNITY REDEVELOPMENT AGENCY**

This First Amendment to Interlocal Redevelopment Agreement (the “First Amendment”) is entered into as of the date of last execution below, by and among ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida (the “County”); the CITY OF APOPKA, a Florida municipal corporation (the “City”); and the APOPKA COMMUNITY REDEVELOPMENT AGENCY, a public entity authorized and existing under Chapter 163, Part III of the Florida Statutes (the “CRA”) (collectively the “Parties”).

**RECITALS**

A. On or about June 28, 1993, the City of Apopka, Florida adopted Resolution No. 9316 creating the Apopka Community Redevelopment Agency (the “CRA”), approving an advisory board to the CRA, and adopting a Community Redevelopment Plan, and subsequently the City adopted Ordinance No. 783, creating the Community Redevelopment Trust Fund and granting the CRA the power to prepare and implement an interlocal agreement between the City, the County, and the CRA.

B. The City’s creation of the CRA and operations related thereto were duly authorized by Orange County via County Resolutions 93-M-38, 93-M-39, 95-M-25 and 2017-M-29 (collectively, the “County Resolutions”), as required by Section 163.410, Florida Statutes.

C. The County Resolutions provided for the Parties to execute an interlocal agreement providing for certain matters related to operation of the CRA, and the Parties accordingly executed on or about September 26, 1995, that certain Interlocal Redevelopment Agreement Between Orange County, Florida, the City Apopka, Florida, and the Apopka Community Redevelopment Agency, a copy of which is attached hereto as **Exhibit “A”** (the “Interlocal Agreement”).

D. The City and the CRA have approved that certain First Amendment to Apopka Community Redevelopment Plan (the “CRA Plan Amendment”) extending the CRA Plan for ten (10) years beyond expiration of the initial thirty (30) year term of the CRA Plan, **and the effectiveness of such extension is contingent upon County approval.**

E. Consistent with the initial thirty (30) year term of the CRA Plan, Paragraph 4.A. of the Interlocal Agreement provides for payment by the County of tax increment revenue into the CRA Trust Fund “in no event later than January 1, 2024,” and the City has therefore requested an amendment of the Interlocal Agreement to permit the ten (10) year extension of the CRA Plan.

F. The County has agreed to extend the CRA Plan for an initial term of three (3) years, with the option to extend an additional seven (7) years subject to the following:

- a. Orange County Government shall be recognized, alongside the City, for any capital improvement projects and other major accomplishments using tax increment fund revenue (“TIF”);
- b. Beginning with calendar year 2024, within 90 days of the close of the City’s fiscal year, the City shall provide an annual update to the County regarding the CRA activities and use of the TIF; and
- c. The initial extension of the sunset date shall be to January 1, 2027 (the “Initial Sunset”), with the ability to extend to January 1, 2034 (the “Extended Sunset”), provided, the City shall send written notice of the request to extend the CRA beyond the Initial Sunset to the Deputy County Administrator at least 120 calendar days prior to December 1, 2026, and shall include in such request a list of all CRA Plan projects, completion status, and associated TIF revenues spent on each project since October 1, 2023, calculated as the mean of annual expenditures divided by annual revenues.

The County will base its decision to extend the CRA to the Extended Sunset, in part, on whether the City has expended fifty percent (50%) or more of annual TIF revenues (City and County payment only) within the last fiscal year, and has expended fifty percent (50%) or more of total TIF revenues (including roll over) during the three year extension period. Should the County choose to extend the CRA to the Extended Sunset, the City will be required to follow the process set forth in Section 163.3161, Florida Statutes, as may be amended, to modify the sunset date of the CRA. Any decision to extend the CRA to the Extended Sunset will not become effective until the Board has approved such Extended Sunset via resolution at a public meeting.

### **AGREEMENT**

**NOW THEREFORE**, in consideration of the above recitals, the mutual promises herein contained and other good and valuable considerations, receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows.

1. **Recitals.** The above recitals are true and correct and are incorporated as material provisions into this First Amendment.

2. **Interlocal Agreement Amendment.** Paragraph 4.A. of the Interlocal Agreement is hereby amended to read as follows:

Orange County shall, by January 1, of each year, commencing January 1, 1995, pay to the City's Community Redevelopment Trust Fund, for so long as the Community Redevelopment Agency implements or is preparing for, or is in the process of implementing the Community Redevelopment Plan, but in no event later than January 1, 2027, the tax increment as calculated pursuant to §163.387(1), Florida Statutes.

3. **No Other Effect.** All other terms, conditions and obligations of the City, the CRA and the County contained in the Interlocal Agreement shall remain unaltered and in full force and effect.

4. **Effective Date.** This First Amendment shall be effective as of the date last executed by the Parties and approved by their respective governing boards, whichever occurs latest.

**IN WITNESS WHEREOF,** the parties have caused this Agreement to be signed and executed on the dates provided below.

*[Signatures on following page]*

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

By: \_\_\_\_\_  
Jerry L. Demings  
Orange County Mayor

Date: \_\_\_\_\_

**ATTEST:** Phil Diamond, CPA, Orange County Comptroller  
As Clerk of the Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

**CITY COMMISSION**  
**APOPKA, FLORIDA**

By: \_\_\_\_\_  
Bryan Nelson  
Mayor

Date: \_\_\_\_\_

**APOPKA COMMUNITY**  
**REDEVELOPMENT AGENCY**

By: \_\_\_\_\_  
\_\_\_\_\_  
Board Member

Date: \_\_\_\_\_

**EXHIBIT "A"**  
**COPY OF ORIGINAL INTERLOCAL AGREEMENT**