

ORDINANCE NO. 2676

AN ORDINANCE OF PANAMA CITY, FLORIDA GRANTING AD VALOREM TAX EXEMPTION TO AIR TEMP OF AMERICA, INC., FOR ITS REAL PROPERTY AND IMPROVEMENTS THEREON AND FOR ASSOCIATED PERSONAL PROPERTY AS HEREIN DEFINED AS A NEW BUSINESS, PURSUANT TO THE STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE”.

WHEREAS, application has been made by Air Temp of America, Inc. (the “Company”), whose address is 901 Ponce De Leon Blvd, Suite 303 pursuant to §196.012(15) Florida Statutes, for ad valorem tax exemption as a new business, and

WHEREAS, the Company is the owner of the real property and is responsible for payment of taxes on all of its real and tangible property, and

WHEREAS, the Property Appraiser has reported as follows:

1. The total revenue available to the City for the current fiscal year from ad valorem tax sources is \$10,419,786.00;
2. There has been a \$0 loss of revenue to the City for the current fiscal year by virtue of exemptions previously granted pursuant to Florida Statutes;
3. The granting of the tax exemption to the Company would lessen ad valorem taxes during the current fiscal year by \$7,080.00 for real property to be constructed as specified in Exhibit “A” and \$5,364 for the tangible personal property listed in Exhibit “B”; and
4. That the estimate of the taxable value lost to the City if the exemption to the Company is granted would be approximately \$1,627,585.00 in the value of improvements to real property and \$1,233,000.00 in the value of personal property, with the predominate value being real property; and
5. That the exemption will remain in effect for a period of up to ten (10) years subject to the Board’s right of revocation provided herein and otherwise provided by law, with the last year in which the exemption may be applied being 2028; and
6. That the Company meets the requirements of §196.012(15), Florida Statutes, as it defines “New Business”; and

WHEREAS, the Board does hereby find that the expansion of employment opportunities will result in the creation of at least 10 more full time jobs, and would be in the best interest to the public; and

WHEREAS, the Board declares that the purpose of the Florida Law allowing cities to grant new or expanding businesses an ad valorem exemption is not fulfilled unless the real property and improvements thereon and tangible personal property continue to be used during the entire tax exempt period for a manufacturing or other statutory tax exempt purpose as described in §196.012(14) or (15), Florida Statutes, (the "Act"); and

WHEREAS, but for the provisions in this Ordinance that ensure that the purpose and intent of the law allowing tax exemption for new businesses or expanding businesses are met by providing for procedures to revoke the tax exemption granted herein during the tax exemption period, this Ordinance granting an ad valorem tax exemption would not have been adopted.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA:

Section 1. Tax Exemption. An ad valorem tax exemption is hereby granted to the Company for a period of up to ten (10) years subject to the Board's right of revocation provided herein and commencing this calendar year upon one hundred percent (100%) of the assessed value of all improvements to the real property hereinafter described made by or for the use of the Company and all tangible personal property of the Company, said real property being described in Exhibit A and tangible personal property described in Exhibit B, attached hereto and incorporated herein by this reference.

Section 2. Annual Certificate of Company. On or before October 1, 2019, and annually thereafter during the time period the Company has the ad valorem tax exemption granted herein, the Company shall file with the City Manager a certificate that affirmatively states that the real property and tangible personal property described in Exhibits "A" and "B", respectively, are being used for an industrial or manufacturing or other statutory tax exempt purpose as described in §196.012(14) or (15), Florida Statutes, and that the representations made by the Company in its application are currently true and correct as of each certification.

Section 3. Revocation of Tax Exemption. If the Company fails to file the certificate as required in Section 2 or files a certificate that does not comply with the requirements of Section 2 or at any time after this Ordinance takes effect and until the tax exemption expires, the Commission may adopt an ordinance making a finding that the real property and tangible personal property as described in Exhibits "A" and/or Exhibit "B", respectively, and improvements thereon are no longer being used for an industrial or manufacturing or other statutory tax exempt purpose as described in §196.012(14) or (15), Florida Statutes, and revoking the ad valorem tax exemption effective the end of the current year said ordinance is adopted. The real property and improvements thereon and tangible personal property shall no longer be deemed as being used for a tax exempt purpose if the number of employees then employed are

substantially less than the number represented in the Company's application and Grant Agreement of same date and as stated in this Ordinance, and if said lowered employment substantially impairs the ability of the Company or its successor in interest to operate an industrial or manufacturing plant or other tax exempt business in that the purpose and intent of State law and this Ordinance are not met. Nothing herein shall prohibit the Company or its affiliated entities or successors in interest from re-applying for an ad valorem tax exemption pursuant to the State law in effect at the time of said application after said Ordinance is adopted.

Section 4. Revocation Procedure. The procedure for holding a fact finding hearing to consider the adoption of the ordinance contemplated in Section 3 revoking the tax exemption granted by Section 1 shall be as follows:

Notice of public hearing to consider the adoption of an ordinance that finds the real property and improvements thereon are no longer being used for an industrial or manufacturing or other statutory purpose as described in §196.012(14) or (15), Florida Statutes, and that revokes the ad valorem tax exemption shall be given not less than fourteen (14) days before the hearing by certified mail or actual service, constructive service may be made in this same manner as is provided in Chapter 49, Florida Statutes.

The Commission and the Company or its successor in interest at the public hearing shall have an opportunity to respond, to present evidence and argument on the fact finding in the proposed ordinance and to be represented by counsel. The Commission shall allow the general public an opportunity to present relevant evidence, and the Board, the Company or its successor in interest shall be given an opportunity to cross-examine or challenge or rebut said relevant evidence. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

Section 5. Severability. It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, that such invalidity or unconstitutionality shall be construed to render invalid or unconstitutional the Ordinance in its entirety.

Section 6. Repeal. All ordinances, or parts of ordinances in conflict with this ordinance are to the extent of such conflict hereby repealed.

Section 7. Effective Date.

This ordinance shall become effective upon its passage.

EXHIBIT A

Parcel Number 14471-000-000 located at 423 East 15th Street, Panama City, Florida and being 8.879 acres, more or less, and having the following condensed legal description:

33 3S 14W -64- MAP 104C3 BEG 40' N OF SE COR OF SE1/4 OF SW1/4 OF SW1/4 FOR POB TH RUN N 618.4' W 570.55' TH RUN S 618.4' TO THE NLY R/W LINE OF 15TH ST TH RUN ELY ALONG SAID R/W TO POB ORB 3995 P 2272

EXHIBIT B

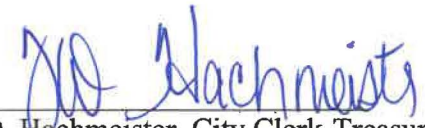
Tangible personal property associated with the operation of an automotive parts manufacturing facility, including manufacturing related to heat exchangers, HVAC modules, and plastic parts for all of the OEM and AFM, including injection machines, core builders, crimping machines, and leak testers, and related materials, and including those items identified on the Economic Development Ad Valorem Property Tax Exemption application filed May 22, 2018 by Air Temp of America, Inc.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Panama City, Florida, the 26th day of February, 2019.

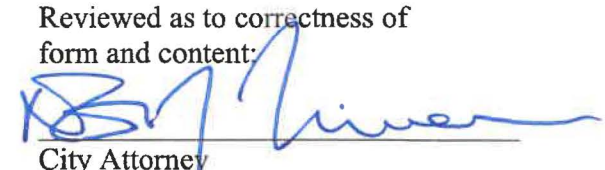
CITY OF PANAMA CITY, FLORIDA

By 
Greg Brudnicki, Mayor

ATTEST:


T. D. Hachmeister, City Clerk-Treasurer

Reviewed as to correctness of
form and content:


City Attorney