

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee and Co-Sponsored by Council Members Bowman, Morgan,
4 White, Carrico, Priestly Jackson, Salem, Pittman, and Carlucci:
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7 **ORDINANCE 2021-597-E**

8 AN ORDINANCE APPROPRIATING \$25,000 FROM THE
9 NORTHWEST OFFICE OF ECONOMIC DEVELOPMENT (OED)
10 FUND (SUPERMARKET INCENTIVE PROGRAM) -
11 PROFESSIONAL SERVICES ACCOUNT TO THE NORTHWEST
12 OFFICE OF ECONOMIC DEVELOPMENT FUND - SUBSIDIES
13 & CONTRIBUTIONS TO PRIVATE ORG. ACCOUNT FOR THE
14 PURPOSE OF PROVIDING A GRANT TO OVERFLOW HEALTH
15 ALLIANCE, INC. (OHA) IN THE UP-TO AMOUNT OF
16 \$25,000.00 TO PROVIDE FUNDING FOR THE PURCHASE
17 OF ADDITIONAL FOOD INVENTORY AND NECESSARY
18 UPGRADES TO THE CEILING AND AIR CONDITIONING
19 SYSTEM OF THE MAKING ENDS MEAT GROCERY STORE
20 (THE "GROCERY STORE"), A COMMUNITY-BASED STORE
21 WHICH SERVES AS A SOURCE OF AFFORDABLE, HEALTHY
22 FOOD OPTIONS AND PROVIDES ACCESS TO FOOD,
23 SERVICES FOR THE ELDERLY, AND EDUCATIONAL
24 SESSIONS FOR THE PREPARATION OF HEALTHY FOODS,
25 AS INITIATED BY B.T. 21-125; PROVIDING A
26 CARRYOVER OF FUNDS INTO SUBSEQUENT FISCAL YEARS
27 UNTIL SUCH FUNDS ARE EXPENDED OR LAPSE ACCORDING
28 TO THE AGREEMENT; APPROVING AND AUTHORIZING
29 EXECUTION OF THE INVENTORY FUNDING AGREEMENT
30 BETWEEN THE CITY OF JACKSONVILLE AND OVERFLOW

1 HEALTH ALLIANCE, INC. AND OTHER DOCUMENTS BY THE
2 MAYOR OR HIS DESIGNEE AND THE CORPORATION
3 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
4 AMENDMENTS; WAIVING THE CRITERIA FOR THE FOOD
5 DESERT PILOT PROJECT APPROVED BY ORDINANCE 2019-
6 768-E; PROVIDING FOR CITY OVERSIGHT BY THE OED;
7 PROVIDING AN EFFECTIVE DATE.
8

9 **WHEREAS**, in Ordinance 2018-195-E, the City Council earmarked
10 \$3,000,000.00 in funding from the Northwest Jacksonville Economic
11 Development Trust Fund ("NWJEDF") to incentivize the operation of new
12 supermarkets and healthy food programs within the northwest area of
13 Jacksonville (the "Northwest Area"); and

14 **WHEREAS**, such supermarket incentives and healthy food programs
15 are intended to alleviate the food desert areas within the Northwest
16 Area and thus benefit the health, safety, and public welfare of
17 Northwest Area residents; and

18 **WHEREAS**, in April of 2020, Overflow Health Alliance, Inc.
19 ("OHA") founded Making Ends Meat Grocery Store (the "Grocery Store")
20 in order to operate a community-based store as a source of affordable,
21 healthy food options and provide access to food, services for the
22 elderly, and educational sessions for the preparation of healthy
23 foods; and

24 **WHEREAS**, in order to provide as much fresh food as possible to
25 residents in the Northwest Area community, the City of Jacksonville
26 (the "City"), through its Office of Economic Development, desires to
27 supplement the operational costs of the Grocery Store, including
28 assistance with necessary upgrades to the ceiling and air conditioning
29 system of the Grocery Store and by purchasing additional food
30 inventory; now therefore,

31 **BE IT ORDAINED** by the Council of the City of Jacksonville:

1 approved, and the Mayor or his designee and Corporation Secretary are
2 hereby authorized to execute and deliver, for and on behalf of the
3 City, the Inventory Funding Agreement between the City of Jacksonville
4 and Overflow Health Alliance, Inc., attached hereto as **Exhibit 2** and
5 incorporated herein by this reference (the "Agreement"). The
6 Agreement authorizes an advanced lump sum payment. The Agreement may
7 include such additions, deletions, and changes as may be reasonable,
8 necessary, and incidental for carrying out the purposes thereof, as
9 may be acceptable to the Mayor, or his designee, with such inclusion
10 and acceptance being evidenced by execution of the Agreement by the
11 Mayor or his designee. No modification to the Agreement may increase
12 the financial obligations or the liability of the City and any such
13 modification shall be technical only and shall be subject to
14 appropriate legal review and approval of the General Counsel, or his
15 or her designee, and all other appropriate action required by law.
16 "Technical" is herein defined as including, but not limited to,
17 changes in legal descriptions and surveys, descriptions of
18 infrastructure improvements and/or any road project, ingress and
19 egress, easements and rights of way, performance schedules (provided
20 that no performance schedule may be extended for more than one year
21 without Council approval), design standards, access, and site plan
22 which have no financial impact.

23 **Section 5. Further Authorizations.** The Mayor, or his
24 designee, and the Corporation Secretary are hereby authorized to
25 execute the Agreement and all other contracts and documents and
26 otherwise take all necessary action in connection therewith and
27 herewith, and to negotiate and execute all necessary changes and
28 amendments to the Agreement and other contracts and documents in
29 order to effectuate the purposes of this Ordinance, without further
30 Council action, provided such changes and amendments are limited to
31 amendments that are technical in nature (as described in Section 4

1 hereof), and further provided that all such amendments shall be
2 subject to appropriate legal review and approval by the General
3 Counsel, or his or her designee, and all other appropriate official
4 action required by law.

5 **Section 6. Waiving the criteria for the Food Desert Pilot**
6 **project approved by Ordinance 2019-768-E.** The provisions of Ordinance
7 2019-768-E are hereby waived to allow for the contribution to a
8 private organization to provide funding for the purchase of additional
9 food inventory and upgrades to the Grocery Store as is noted herein.
10 At the time that the criteria for the Food Desert Pilot program were
11 being considered, this type of innovative program was not contemplated
12 and therefore not in the policies as approved by council, by Ordinance
13 2019-768-E.

14 **Section 7. Oversight Department.** The OED shall oversee
15 the project described herein.

16 **Section 8. Effective Date.** This ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

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22 /s/ Paige H. Johnston

23 Office of General Counsel

24 Legislation prepared by: James R. McCain, Jr.

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