

# ORDINANCE NO. 10-22

## AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD TO ESTABLISH THE FACADE IMPROVEMENT PROGRAM

**WHEREAS**, the City of Westfield (“City”) is governed by its duly elected Mayor and Common Council (“Council”) and is charged with the duties to establish programs and incentives to maintain an appealing and attractive environment as a means of economic development, and;

**WHEREAS**, it is within the discretion of the City to acquire and allocate funds for the purpose of establishing a Façade Improvement Program to create incentives for the improvement of the real estate in Westfield, and;

**WHEREAS**, it is the responsibility of the Council to maintain proper fund accounts for the allocation and distribution of contributions in its control in a fiscally responsible manner; and

**WHEREAS**, it has been determined that it is advisable to establish a Façade Improvement Fund into which various donations from individual and corporate citizens may be deposited until purposes can be established by this Council and then distributed; and,

**WHEREAS**, IC 36-1-3-6 grants municipalities the power to operate and govern local affairs by adopting ordinances prescribing the specific manner in which said power is to be exercised; and;

### NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF WESTFIELD, INDIANA, AS FOLLOWS:

**Section 1.** There is established in the City a “City Façade Improvement Grant Program Non-Reverting Fund”, #\_\_\_\_\_ (the "Fund"), into which shall be deposited all donations from the City as well as public and corporate citizens. The Fund shall be maintained separate and apart from all other funds of the City in accounts approved by the Clerk-Treasurer.

**Section 2.** Monies in the Fund shall be used for any and all appropriate operating and capital expenses related to the Façade Improvement Program as determined by the Council. The Council hereby authorizes the transfer of \$50,000.00 from funds derived from Food and Beverage Tax proceeds collected by the City into the Fund.

**Section 3.** The Fund shall exist until terminated by Ordinance of the Common Council. Proceeds remaining in the Fund upon termination shall be placed into the General Fund.

**Section 4.** The Community Development Department shall be charged with the administration of the application of this Ordinance. A draft of the application and associated materials are attached hereto as Exhibit “A” and incorporated by reference herein.

**Section 5.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All Ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. Any portion of this Ordinance later deemed invalid shall not operate to invalidate the remaining portions. All acts necessary to implement the intent of this Ordinance are hereby ratified.

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ALL OF WHICH IS ORDAINED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2011, BY THE  
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
John Dippel

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

\_\_\_\_\_  
Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

\_\_\_\_\_  
Kenneth Kingshill

\_\_\_\_\_  
Kenneth Kingshill

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Kenneth Kingshill

\_\_\_\_\_  
Robert J. Smith

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Robert J. Smith

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Robert J. Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Thomas Smith

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

\_\_\_\_\_  
Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that ORDINANCE NO. 10-22 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, at \_\_\_\_\_ . m.

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby APPROVE Ordinance No. 10-22  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO Ordinance No. 10-22  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
J. Andrew Cook, Mayor

This Ordinance was reviewed by:  
Brian J. Zaiger, Esq.  
KRIEG DEVAULT, LLP  
(317) 238-6266

# **Exhibit A**

## **Westfield Façade Improvement Grant Program Summary**

The Westfield Façade Improvement Grant Program is designed to encourage the enhancement of certain real estate in the City of Westfield and increase economic development by assisting owners in making quality property improvements.

As proposed, the Program would be administered by the Director of Community Development or its designee. Program guidelines are designed to be administered by the Administrator with a majority consensus of the Façade Improvement Grant Program Committee which includes:

- Director of the Community Development Department or its designee.
- Mayor of Westfield or its designee.
- Member of the Westfield City Council.
- Executive Director of the Downtown Westfield Neighborhood Association (DWNA) or its designee.
- Member of the Grand Junction Task Group (GJTG) or its designee.

# ***Westfield Façade Improvement Grant Program Guidelines***

## ***Program Purpose***

An investment in Downtown Westfield (the “Downtown”) is an investment in the economic growth, prosperity, and overall quality-of life of the entire community.

The Westfield Façade Improvement Grant Program (the “Program”) is designed to enhance the development of Downtown Westfield; and increase economic development by assisting owners in making quality real estate improvements fostering a sense of place. It is understood and anticipated the Program will increase the overall beauty of Downtown by:

- Increasing pedestrian traffic;
- Increasing tourism;
- Promoting an attractive environment for new investment and business activity;
- Preserving and increasing the quality of life of Westfield residents and visitors; and
- Providing Downtown businesses and property owners a higher return on their investment.

The intersection of the Monon and Midland Trace Trails in Downtown is the Grand Junction with the renovation of the surrounding areas being coined the Grand Junction project (the “Grand Junction”). The goal of the Grand Junction over the next twenty-five years is to create a sustainable and compelling Downtown. The Grand Junction will be the unequivocal centerplace of community life in Westfield and have significant regional appeal.

## ***Program Administrator***

The Program Administrator (the “Administrator”) will be the Director of Community Development or its designee. The Administrator will serve as the liaison between the Façade Improvement Grant Committee (the “Committee”) and the City of Westfield. The Administrator is the point of contact for general Program questions and the processing of Façade Improvement Grant Applications (the “Applications”).

## ***Committee***

The Committee reviews and approves Applications upon a majority consensus. The Committee is comprised of five members:

- Director of the Community Development Department or its designee.
- Mayor of Westfield or its designee.
- Member of the Westfield City Council.
- Executive Director of the Downtown Westfield Neighborhood Association or its designee.
- Member of the Grand Junction Task Group or its designee.

Records associated with the operation of the Program shall be maintained by the City of Westfield and shall be available for public inspection and review by the Indiana State Board of Accounts.

### **Eligibility Requirements**

- All eligible properties must wholly reside in the program area (the “Program Area”) defined under Program Boundaries (below).
- More than fifty percent of the total square footage of the structure located on the eligible property must be used for non-residential purposes.
- The owner of the property must consent in writing to any improvements covered in the Application. Signing the Application fulfills this requirement.
- Current or prospective use of eligible properties must not be in violation of Westfield ordinances.
- The owner and/or applicant must be current on all tax payments and accounts with Westfield Department of Public Works.

### **Program Boundaries**

Eligible properties must be located in the Area as identified in Exhibit I. The Program Area includes properties within the following boundaries:

Hoover Street on the north, South Street on the south, United States Highway 31 on the west, and Gurley Street on the east



Exhibit I. A detailed map is also available at [www.westfield.in.gov](http://www.westfield.in.gov).

### **Funding**

The Program will issue grants for 50% of the eligible expenses (the “Project”) up to \$5,000 and as established in the Westfield Façade Improvement Grant Program Agreement (the “Agreement”).

### **Guidelines**

- All Projects must comply with Westfield Ordinances.
- Private and non-profit organizations are eligible to apply to the Program. Government-owned properties are not eligible.
- Program applicants (the “Applicants”) must submit a current photograph of the property to be improved. All photos submitted become the property of the City of Westfield.
- Applicants must provide at least two itemized cost estimates from a professional contractor other than the applicant or property owner for eligible expenses, for which funding is being requested. Projects approved for funding will be based on the lowest of the cost estimates.
- Expenses incurred prior to the receipt by the Administrator of a signed Agreement do not qualify as matching funds and are not eligible for the Program.
- Applicants must obtain all necessary permits prior to beginning the Project.
- Changes to Project plans not previously approved may void the Agreement and result in nonpayment of the Grant. If the Applicant chooses to change the Project after approval they must immediately contact the Administrator.
- The Project must be completed within six months the signed Agreement.
- The Applicant must submit “after” photos, paid invoices and/or copies of receipts itemizing all eligible expenses, and copies of cancelled checks to the Administrator within thirty days of completion of project. All photos submitted become the property of the City of Westfield.
- The Committee reserves the right to request additional information from the applicant.

### **Eligible Expenses**

For the purposes of the Program, improvements must be made to an existing building or site including, but not limited to, the following eligible expenses:

- Repair to or renovation of building exteriors;
- Masonry repair;
- Exterior lighting;
- Exterior painting;
- Repairing or replacing cornices, entrances, doors, windows, decorative detail, awnings;
- Sign removal, repair, or replacement\*; and
- Other repairs that may improve the aesthetic quality of the building.

\*Most signs require a sign permit. Please contact the City at (317) 804-3170 or see [www.westfield.in.gov/development](http://www.westfield.in.gov/development) for additional information.

### ***Ineligible Expenses***

Ineligible expenses include, but are not limited to, the following:

- Interior improvements;
- Security systems;
- Sidewalks and sidewalk repairs in public rights-of-way;
- Electrical work except as related to signage or exterior lighting;
- Purchase of furnishings, equipment, or other personal property which does not become a part of the real estate;
- Infrastructure improvements including water and sewer upgrades;
- Acquisition of real estate property;
- Permits, fines, fees, and taxes;
- Additions to existing structures and/or new construction; and
- Improvements completed or in progress prior to the receipt of a signed Agreement.

### ***Application Deadline***

Applications are accepted annually at any time and may be emailed to [community@westfield.in.gov](mailto:community@westfield.in.gov) or sent via U.S. Mail to:

City of Westfield  
Community Development Department  
Attn: Administrator  
2728 East 171<sup>st</sup> Street  
Westfield, IN 46074

### ***Application Process***

Applicant must submit a completed Application to the Administrator and include the following:

- Current photograph of property to be improved. All photos submitted become the property of the City of Westfield.
- Project plans and specifications including a written description of improvements, materials, and colors.
- At least two itemized cost estimates from a professional contractor other than the applicant or property owner for the same scope of work. Cost estimates must itemize improvements for which funding is being requested.
- Application must be signed by the property owner.
- The owner and/or applicant must be current on all tax payments and accounts with Westfield Public Works. As part of the review, the Administrator will verify that the property is in good standing before the Committee proceeds with consideration of the Application.

### ***Timeline***

- Applications are reviewed by the Committee. The Committee may grant funds for all or part of the project detailed in the Application.
- Applicants of approved Projects will be notified (the “Notification”) via U.S. Mail and/or e-mail within forty-five (45) days of receipt of a completed Application.
- The Applicant is to sign the Agreement and the original copy is returned to the Administrator not more than fifteen days after the Notification. The Agreement is between the City of Westfield and the Applicant and details the Project, Grant amount, and commitment of Applicant.
- Improvements must be inspected by the Committee or its designee prior to grant issuance to verify work has been completed in accordance with the Agreement.
- Approved improvements must be completed within six months of the signed Agreement.
- Applicant must submit “after” photos, paid invoices and/or copies of receipts itemizing all eligible expenses, and copies of cancelled checks to the Administrator for verification prior to Grant issuance. All documents and photos must be submitted for Grant issuance within thirty days of the completion of the Project. The Grant will only be issued after the completion of the Project. All photos submitted become the property of the City of Westfield.

## **Westfield Façade Improvement Grant Program Agreement**

This Westfield Façade Improvement Grant Program agreement (the "Agreement") dated \_\_\_\_\_ is between \_\_\_\_\_ (the "Applicant") and the City of Westfield (the "City").

Address of property to be improved (the "Project Site"): \_\_\_\_\_  
Parcel number(s) of Project Site: \_\_\_\_\_

Summarize approved project (the "Project"): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Project must be completed within six months of the date of this Agreement.  
(Initial)

\_\_\_\_\_ "After" photos, paid invoices and/or copies of receipts itemizing all eligible costs, and  
(Initial) copies of cancelled checks must be submitted within thirty days of the completion of the Project.

Amount of Façade Improvement Grant Award (the "Grant"): \$ \_\_\_\_\_

Any unapproved changes to the Project may void this Agreement and result in nonpayment of the Grant. If changes to the Project are necessary, it is the responsibility of the Applicant to immediately contact the Façade Improvement Grant Program Administrator for additional review before continuing with the Project.

Expenses incurred prior to receipt by the Administrator of a signed Agreement do not qualify for the Program. The Grant will be issued after Project completion and upon the Applicant's submission of "after" photos, paid invoices and/or copies of receipts itemizing all eligible costs, and copies of cancelled checks to the Administrator.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

City of Westfield, Indiana: \_\_\_\_\_ Date: \_\_\_\_\_  
City of Westfield, Indiana

# Westfield Facade Improvement Grant Program Application

## Applicant Information

Name \_\_\_\_\_

Business Name \_\_\_\_\_

Type of Business \_\_\_\_\_ Email address \_\_\_\_\_

Mailing address \_\_\_\_\_

Daytime phone number \_\_\_\_\_ Mobile phone number \_\_\_\_\_

Are all accounts with Westfield Public Works current?  Yes  No

Are property taxes current?  Yes  No

Are there any other occupants or businesses located on the premises?  Yes (see below)  No

If you checked Yes, provide Occupant information. (Attach additional sheets if necessary)

### Occupant 1:

Name of Business \_\_\_\_\_

Type of Business \_\_\_\_\_

Contact Information \_\_\_\_\_

### Occupant 2:

Name of Business \_\_\_\_\_

Type of Business \_\_\_\_\_

Contact Information \_\_\_\_\_

*Property Owner Information (Complete this section if Owner is different than Applicant.)*

Name \_\_\_\_\_

Business Name \_\_\_\_\_

Type of Business \_\_\_\_\_ Email address \_\_\_\_\_

Mailing address \_\_\_\_\_

Daytime phone number \_\_\_\_\_ Mobile phone number \_\_\_\_\_

Are all accounts with Westfield Public Works current?  Yes  No

Are property taxes current?  Yes  No

*Property Information*

Do you own or lease the property?  Own  Lease (If you are leasing the property owner must sign this Application.)

Date(s) of building construction update(s) (if applicable) \_\_\_\_\_

Is the building currently occupied?  Yes  No

How long have you occupied the space which will be enhanced by this grant request? \_\_\_\_\_

*Project Information*

The Westfield Facade Improvement Grant must be used for the project described below. The Westfield Facade Improvement Grant Program Committee must review this application and approve the project **prior** to beginning construction or incurring expenses.

Total project cost \$ \_\_\_\_\_ Grant amount requested \$ \_\_\_\_\_

Address of property to be improved \_\_\_\_\_

Parcel number(s) of property to be improved \_\_\_\_\_

Could this building be considered a historic structure?  Yes  No

If available, provide the date of construction \_\_\_\_\_

Describe in detail the proposed scope of work for which a grant is being requested.

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Attach at least two itemized estimates of costs by a professional contractor for the proposed scope of work described above. If the work is to be done by the applicant or owner, estimates must be from two (2) alternate professionals.

Attach the plans and specifications, including materials and colors, for the project described above.

In your own words describe how this project ties into the vision of Downtown Westfield. (Attach a separate sheet if necessary).

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Application checklist:

1. Completed and signed application. If the applicant is different than the property owner, the property owner must also sign this application.
2. Current photograph of property to be enhanced. Photos become property of the City of Westfield.
3. Two itemized cost estimates from a professional contractor other than the property owner or applicant for the same scope of work.
4. All taxes on the property must be current.
5. All accounts with Westfield Public Works must be current.
6. Copies of project plans and specifications including colors and an itemized list of materials.

I understand the Westfield Facade Improvement Grant (the “Grant”) must be used for the project described in this application and that the Westfield Facade Improvement Grant Program Committee must review and approve the application prior to beginning construction or incurring expenses. I understand that failure to comply with the Westfield Facade Improvement Grant Program (the “Program”) may result in the loss of the Grant.

I acknowledge that the City of Westfield is obligated only to administer the Program and is not liable to the applicant, owner, or third parties for any obligations or claims of any nature growing out of, arising out of or otherwise related to the project undertaken by the applicant and/or property owner.

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Signature of Applicant

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Date

As the legal owner of the property for which a Grant is being requested, I hereby grant authorization to complete the project outlined in this application.

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Signature of Owner

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Date