

# ORDINANCE NO. 10-22

## AN ORDINANCE BY THE COMMON COUNCIL OF THE CITY OF WESTFIELD TO ESTABLISH THE DOWNTOWN FAÇADE 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 Downtown Façade Improvement Program to create incentives for the improvement of the buildings in downtown 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 Downtown Façade Improvement Fund into which contributions 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 “Downtown Façade Improvement 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.** Contributions in the Fund shall be used for any and all appropriate operating and capital expenses related to the Downtown Façade Improvement Program as determined by the Council. The Council hereby authorizes the transfer of \$50,000.00 from the General Fund to be deposited 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 policies 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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ADOPTED AND PASSED THIS \_\_\_\_TH DAY OF \_\_\_\_\_ 2010, BY THE  
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD COMMON COUNCIL**  
**Hamilton County, Indiana**

**WESTFIELD COMMON COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

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

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

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

\_\_\_\_\_  
Bob Horkay

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Bob Horkay

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Bob Horkay

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Ken Kingshill

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Ken Kingshill

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Ken Kingshill

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Bob Smith

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Bob Smith

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Bob Smith

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Thomas Smith

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Thomas Smith

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Thomas Smith

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Rob Stokes

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Rob Stokes

\_\_\_\_\_  
Rob Stokes

ATTEST:

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

I hereby certify that ORDINANCE NO. 10-22 was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ . m.

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

I hereby APPROVE Ordinance No. 10-22  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

I hereby VETO Ordinance No. 10-22  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

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

## ***Downtown Westfield Façade Improvement Program***

### ***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 Downtown Westfield Façade Improvement Program (the “Program”) is designed to support the development of Downtown Westfield; and increase economic development by helping owners make quality building 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”) serves as the liaison between the Westfield Community Development Department (the “Department”) and the Downtown Westfield Façade Improvement Program Committee (the “Committee”). The Administrator is the point of contact for general Program questions and the processing of Downtown Westfield Façade Improvement Program Applications (the “Applications”).

### ***Committee***

The Committee reviews and approves Applications. The Committee is comprised of ??? members:

- ???
- ???
- ???

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 Downtown Westfield Program Area (the “Area”) defined under Program Boundaries.
- 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.
- Current or prospective use of eligible properties must not be in violation of Westfield Ordinances.
- Properties, property owners, and applicants must be current on water, sewer, trash, and property tax payments.

**Program Boundaries**

Eligible properties must be located in the Area, as defined by the Westfield-Washington Township Comprehensive Plan (Chapter 3: Downtown, page 68) and shown in Exhibit I. This area includes properties within the following boundary:

Hoover Street on the north, South Street on the south, Maple Street 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 reimburse 50% of the actual eligible façade and/or related exterior rehabilitation expenses (the “Project”) up to \$5,000 or the amount set forth in the Downtown Westfield Façade Improvement 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.
- A Downtown Westfield Façade Program Applicant (the “Applicant”) must provide at least two itemized cost estimates for eligible improvements, for which funding is being requested. Projects approved for funding will be based on the lowest of the cost estimates.
- Funds spent prior to the receipt by the Administrator of a signed Agreement do not qualify as matching funds and are not eligible for the Downtown Westfield Façade Improvement Award (the “Award”).
- Applicant must obtain all necessary permits and approvals prior to beginning the Project.
- Changes to Project plans not previously approved may void the Agreement and result in nonpayment of the Award. If the Applicant chooses to change the Project after approval they must immediately contact the Department.
- The Project must commence within forty-five days of a signed Agreement.
- The Project must be completed within six months the signed Agreement.
- Applicant must submit “after” photos, paid invoices itemizing all eligible costs, and copies of cancelled checks to the Department within thirty days of completion of project. All photos submitted become the property of the City of Westfield.
- Applicant must maintain improved property for at least two years from the date the Award is issued. Failure to maintain improved property may result in the termination of the Agreement and reimbursement to the City of the Award.
- The Committee reserves the right to request additional information from the applicant.

**Eligible Expenses**

For the purposes of the Program a façade is a “front façade” which the Westfield-Washington Township Zoning Ordinance (the “Zoning Ordinance”) defines as the wall that contains the primary public entrance for the tenant space.

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

- Repair to or renovation of building exterior façades ;
- Masonry repair;
- Exterior lighting;
- Exterior painting;
- Repairing or replacing cornices, entrances, doors, windows, decorative detail, awnings;

- Landscaping and/or outdoor seating areas;
- Sign removal, repair, or replacement; and
- Other repairs that may improve the aesthetic quality of the building.

**Ineligible Expenses**

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

- Interior improvements;
- Additions to existing structures;
- Security systems;
- Sidewalks and sidewalk repairs;
- 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;
- Paving;
- Acquisition of real estate property;
- Permits, fines, fees, and taxes; and
- Improvements completed or in progress prior to the receipt of a signed Agreement.

**Application Deadline**

Applications are accepted annually between March 1<sup>st</sup> and April 1<sup>st</sup>. Applications received prior to March 1<sup>st</sup> will be returned to the Applicant. Completed Applications must be received by the Administrator **no later than April 1<sup>st</sup> at 5:00 p.m.** and may be emailed to [XX@westfield.in.gov](mailto:XX@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

Should April 1<sup>st</sup> fall on a weekend, Applications are due by 5:00 p.m. the Friday prior to April 1<sup>st</sup>. Applicants of approved projects will be notified not later than June 1<sup>st</sup>.

**Application Process**

Applicant must submit a completed Application to the Department 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 estimates of costs by a licensed contractor for the same scope of work. Work performed by property owners or applicants requires a third estimate from an outside source to verify that costs are within reasonable

parameters. Cost estimates must itemize improvements for which funding is being requested.

- If the Applicant is not the legal owner of the property, written approval of the property owner detailing improvements must be included with the Application.
- Copy of Tax Payment Report(s) from the Hamilton County Treasurer's Offices showing personal property, business property, and real estate taxes are paid in full. Go to [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov) to print off a current Tax Payment Report for each applicable parcel.
- Copy of most recent statement from Westfield Public Works showing water, sewer, and trash accounts are paid in full.

### **Timeline**

- Application and associated documents are received by the Administrator no later than 5:00 p.m. on April 1<sup>st</sup>.
- Application is reviewed by the Committee. The Committee may award funds for all or part of the project detailed in the the Application.
- Applicants of approved Projects will be notified (the "Notification") via U.S. Mail and e-mail no later than June 1<sup>st</sup>.
- The Agreement is signed and an original copy is returned to the Department not more than ten days after Notification is issued. The Agreement is between the City of Westfield and the Applicant and details the Project, Award amount, and commitment of Applicant.
- Applicant must maintain improved property for at least two years from the date the Award is issued. Failure to maintain property will result in the termination of the Agreement and repayment of the Award.
- Approved improvements must commence within forty-five days of the signed Agreement.
- Improvements must be inspected by a Department designee prior to award 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 itemizing all eligible costs, and copies of cancelled checks to the Department for verification prior to Award issuance. All documents and photos must be submitted for Award issuance within thirty days of the completion of the Project. The Award will only be issued after the completion of the Project. All photos submitted become the property of the City of Westfield.

# Downtown Westfield Facade Program Application

*Applicant Information*

Name \_\_\_\_\_

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

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

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

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

Are water, sewer, and trash accounts current?       Yes       No

Provide copy of most recent statement from Westfield Public Works showing water, sewer, and trash accounts are paid in full.

Are property taxes current?       Yes       No

Provide copy of Tax Payment Report(s) from the Hamilton County Treasurer's Offices showing personal property, business property, and real estate taxes are paid in full.

Go to [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov) to print off a Tax Payment Report for each applicable parcel.

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 water, sewer, and trash accounts current?  Yes  No

Provide copy of most recent statement from Westfield Public Works showing water, sewer, and trash accounts are paid in full.

Are property taxes current?  Yes  No

Provide copy of Tax Payment Report(s) from the Hamilton County Treasurer's Offices showing personal property, business property, and real estate taxes are paid in full.

Go to [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov) to print off a Tax Payment Report for each applicable parcel.

*Property Information*

Do you own or lease the property?  Own  Lease (see below)

If you are leasing the property, you must provide written approval from the owner of the property detailing the improvements covered in this Application. In addition, the owner must sign this Application.

Date of original building construction \_\_\_\_\_

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 improved by this award request? \_\_\_\_\_



*Project Information*

The Downtown Westfield Facade Improvement Program Award (the "Award") must be used for the project described below. The Downtown Westfield Facade Improvement Program Committee must review this application and approve the project prior to beginning construction or incurring expenses.

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

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

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

Described in detail the proposed scope of work for which an award is being requested.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach at least two itemized estimates of costs for the proposed scope of work described above. If work will be performed by the property owner or applicant a third estimate is required.

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).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Application checklist:

1. Completed and signed application.
2. Current photograph of property to be improved. Photos become property of the City of Westfield.
3. Two itemized estimates of costs by a licensed contractor of construction for the same scope of work. If work will be performed by the property owner or applicant, a third estimate is required.
4. Written approval of the owner, if different from the applicant, detailing the proposed improvements.
5. Copy of Tax Payment Report(s) from the Hamilton County Treasurer's Offices showing personal property, business property, and real estate taxes are paid in full.  
Go to [www.hamiltoncounty.in.gov](http://www.hamiltoncounty.in.gov) to print off a Tax Payment Report for each applicable parcel.
6. Copy of most recent statement from Westfield Public Works showing water, sewer, and trash accounts are paid in full.
7. Copies of project plans and specifications including colors and itemized list of materials.

I understand that any award granted through the Downtown Westfield Facade Improvement Program (the "Program") must be used for the project described in this application and that the Downtown Westfield Facade Improvement Program Committee, designated by the Westfield City Council, must review and approve the application prior to beginning construction or incurring expenses. I understand that failure to comply with the Program may result in the loss of any award.

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 arising out of or related to the project undertaken by the applicant and/or owner.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

As the legal owner of the property for which an award is being requested, I hereby grant authorization to complete the project outlined in this applicaiton.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date



**Downtown Westfield Façade Improvement  
Program Agreement**

This Downtown Westfield Façade Improvement 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 commence within forty-five days of the date of this Agreement.
- \_\_\_\_\_ Project must be completed within six months of the date of this Agreement.
- \_\_\_\_\_ "After" photos, paid invoices itemizing all eligible costs, and copies of cancelled checks must be submitted within thirty days of the completion of the Project

Amount of Downtown Westfield Façade Improvement Program Award (the "Award"): \_\_\_\_\_  
\_\_\_\_\_

Any unapproved changes to the Project may void this Agreement and result in nonpayment of the Award. If changes to the Project are necessary, it is the responsibility of the Applicant to immediately contact the Downtown Westfield Façade Improvement Program Committee (the "Committee") for additional review before continuing with the Project.

Expenses incurred prior to receipt by the Westfield Community Development Department (the "Department") of a signed Agreement do not qualify for the Program. The Award will be issued after Project completion and upon the Applicant's submission of "after" photos, paid invoices itemizing all eligible costs, and copies of cancelled checks to the Department.

In signing this Agreement the Applicant agrees to maintain the improved property for at least two years from the date the Award is issued. Failure to maintain improved property will result in the termination of the Agreement and repayment to the City of the Award.

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

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