

ORDINANCE NO. 01-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEBARY, FLORIDA, AMENDING ORDINANCE NO. 06-07, WHICH AMENDED ORDINANCE NO. 13-98 AND NO. 24-98; AMENDING THE BEAUTIFICATION MATCHING GRANT PROGRAM TO CREATE A SUPPLEMENTAL SIGN GRANT PROGRAM TO INCENTIVIZE AND HELP FUND REPLACEMENT OF NON-CONFORMING SIGNS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1998 the City of DeBary City Council adopted Ordinances No. 13-98 and No. 24-98, which related to the creation and administration of economic development activities by the City of DeBary; and

WHEREAS, pursuant to Florida Statutes 166.021(9) the governing body of a municipality may expend public funds to attract and retain business enterprises and the use of public funds toward the achievement of such economic development goals constitutes a public purpose; and

WHEREAS, on February 7, 2007 the City of DeBary City Council adopted Ordinance No. 06-07 amending Ordinances No. 13-98 and No. 24-98 allowing a portion of the funds dedicated for economic development be used for beautification projects of existing businesses.

WHEREAS, the City of DeBary City Council adopted amendments to the Land Development Code requiring that all non-conforming signs either be removed or be brought into compliance with current code requirements by September 30, 2017.

WHEREAS, The City of DeBary City Council now wishes to amend Ordinance 06-07 to revise the Beautification Matching Grant Program to create a supplemental sign grant program in order to incentivize replacement of non-conforming signs and assist property and business owners with the cost of replacement.

IT IS HEREBY ORDAINED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1: Amend. The Beautification Grant Program is hereby amended to establish and adopt a Supplemental Sign Matching Grant Program Application Procedures and Guidelines as attached to and herein incorporated as Exhibit "B".

SECTION 2: Amend. Section 3(b)(1) of Ordinance 06-07 is hereby amended to read (Words that are ~~stricken-out~~ are deletions; words that are underlined are additions; articles, sections, subsections and provisions not referenced in this Ordinance are not modified):

- (1) Application for projects requesting matching grant funds of ~~\$5,000 or less~~ shall be submitted to the City's Economic Development Advisory Committee for their review and recommendation based on the grant program procedures and guidelines and sent to the City Council for approval, denial or modification. Exhibit "A" of Ordinance No. 06-07 shall not be applicable to the Supplemental Sign Grant Program established by Ordinance 01-13.

SECTION 3: Severability. The provisions of this Ordinance are declared to be separable, and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, such invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

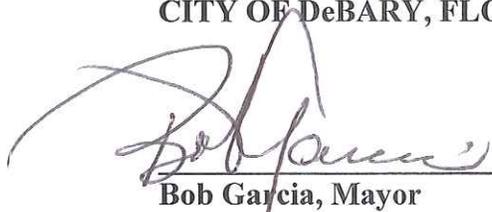
SECTION 4: Conflicts. If any ordinance or part thereof is in conflict herewith, this Ordinance shall control to the extent such conflict exists.

SECTION 5: Effective Date. This Ordinance shall take effect immediately upon its adoption.

ADOPTED on the first reading on February 6, 2013.

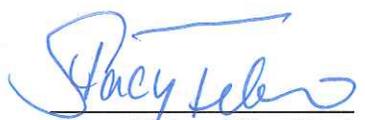
ADOPTED on second reading on March 6, 2013.

CITY COUNCIL
CITY OF DeBARY, FLORIDA



Bob Garcia, Mayor

ATTEST:



Stacy Tebo, City Clerk

Ordinance No. 01-13
Beautification Matching Grant Program Amendments

Exhibit “B”

SUPPLEMENTAL SIGN GRANT PROGRAM APPLICATION PROCEDURES AND GUIDELINES

MATCHING CRITERIA

In 2010, the City implemented its Business Tax Receipt Program; 80% of the revenues collected from Business Tax Receipts are being deposited into the City’s Business Opportunity Fund. City Council has decided that Business Tax receipt revenues deposited into the Business Opportunity Fund shall be used for grants to business owners to replace non-conforming signs with conforming monument signs.

The grant for non-conforming signs shall provide an incentive to encourage and assist local businesses with bringing their signs up to code and enhancing the appearance of the Gateway Corridor and the City. In order to encourage the replacement of non-conforming signs, the grant will provide a sliding scale of assistance with a higher level of assistance in the first year and gradually decline until FY 2016/2017. Beginning in Fiscal Year 2017/2018 grants for signs will revert back to a one-to-one dollar match. The City shall provide the following percentage of matching assistance for FY 2012/2013 through FY 2016-2017.

The sliding scale matching assistance shall be as follows:

FY 2012-2013 - 90% City / 10% Applicant

FY 2013-2014 - 85% City / 15% Applicant

FY 2014-2015 - 75% City / 25% Applicant

FY 2015-2016 - 65% City / 35% Applicant

FY 2016-2017 - 55% City /45% Applicant

The total maximum grant award for a new sign project shall be \$5,000 awarded to any one project. In FY 2012/2013 the City will contribute 90% of the cost of new sign up to a maximum of \$5,000. For example, if a project’s cost totals \$4,000 then the City would provide \$3,600 in assistance and the applicant would be responsible for \$400. Also, if a project’s cost exceeds \$5,000 the City will only match \$5,000. For example, if a project’s cost is \$10,000 and the match is 90%, the City’s match will be \$5,000.

APPROVAL CRITERIA

All projects shall replace existing legal non-conforming signs with a sign in compliance with the City's Land Development Code, Chapter 5, Article II Sign Regulations and Chapter 5, Article V, Section 5-127 Gateway Corridor Sign Regulations.

The matching grants are awarded by City Council to applicants (property owners or tenants, with the written consent of the property owner) on a first come first serve basis until funds for that fiscal year have been depleted. Applicants must follow the adopted grant application process, including the mandatory pre-application conference in order to be considered for a grant award.

ELIGIBLE EXPENDITURES

Signage: Including removal of old signs and obsolete sign poles, brackets, or fixtures; and the design, production and installation of new signage to include illumination of signage, which complies with all City regulations.

Landscaping: Including landscaping around the base of the new sign.

INELIGIBLE EXPENDITURES

- Improvements made prior to the grant award
- Interior renovations
- Refinancing existing debts
- Non-fixed improvements
- Inventory/fixtures/equipment
- Sweat equity payments
- Business payroll
- General periodic maintenance
- Additions to existing buildings
- Parking lot resurfacing
- Window replacement
- Trim work
- Security lighting
- Work performed that is not consistent with the City Land Development Code.

QUALITY OF WORK

All work must be performed in a professional and workmanlike manner. Prior to work commencing, the grantee must secure all necessary permits. Upon completion, all work must pass applicable inspections. The City of DeBary reserves the right to withhold reimbursement payment should the final inspection reveal that the work performed was not completed in a professional and workmanlike manner.

ALTERATIONS

Grant recipients shall agree not to alter, modify or remove the improvements made in accordance with the agreement without first securing the written permission of the City Manager of the City of DeBary. The City of DeBary may permit such alterations, modifications, or removal of the improvements when it determines that granting permission would not undermine the goals, objectives and policies of the City of DeBary.

MAINTENANCE

The grant recipient shall agree to maintain the improvements, including landscape materials, made in accordance with this agreement.

COMPLETED APPLICATIONS

Completed applications shall include the following:

1. A summary of the scope of work to be performed.
2. Color photographs clearly showing the existing conditions of the sign.
3. Sketch plans, color renderings and specifications detailing the scope of work that will be required for the new sign.

APPLICATION GUIDELINES

1. An applicant whose submission is incomplete shall be informed by the City of DeBary. City staff shall review all applications to determine if they meet the criteria for approval and are in compliance with the Land Development Code.
2. Applicants shall be notified in writing of all approvals, approvals with conditions, or denials following City Council review.
3. The applicant shall incur all initial project costs and may receive reimbursement only after all improvements have been completed in accordance with the grant approval.
4. Any and all unforeseen changes to the scope of work that may arise during the sign replacement process must be approved prior to any additional work being initiated or completed.

REIMBURSEMENT

1. Prior to reimbursement of project costs, the applicant shall agree in writing to maintain all improvements and not to alter the project without approval from the City. Routine maintenance (e.g. replacing same materials, repaint same color, etc.) does not require the City's approval.

2. Requests for reimbursement of project costs shall be viewed as a single, completed package. Costs not included in either the approved renovation plan or an approved change order shall not be considered for reimbursement. Change orders must be approved by the City Manager to be considered for reimbursement.
3. Required documentation for reimbursement of project costs must include:
 - a. Copies of cancelled checks, certified checks or money order of project costs.
 - b. Detailed invoices and paid receipts.
 - c. Name, address, telephone number of design professional, general contractor, sign contractor, landscaper, etc.
4. Project cost reimbursement shall be made upon total completion of the project, presentation of documented project costs and a final inspection of the project by the City of DeBary to ensure the work was performed in a professional and workmanlike manner, and in accordance with the specifications of the grant approval and the Land Development Code.
5. The City of DeBary reserves the right to verify any and all costs associated with design or renovation work for which reimbursement is requested.
6. The approved project must comply with the requirements of the City Code and must obtain all applicable permits.

PROJECT TIMELINE

1. Projects receiving funding must begin work within 45 calendar days of approval by the City Council, and must be completed within 120 calendar days of approval by the City Council; unless a written request for extension has been submitted and approved by the City Manager. Under no circumstances will a project be extended beyond six (6) months. Those projects that have not received a written extension and are not completed within 120 calendar days will be required to re-apply for funding during the next cycle.
2. Each applicant may receive only one grant award in any fiscal year. An applicant having more than one property applying for a grant will be placed on an "alternate list", which may be considered if funds are still available after the initial selection round.
3. There shall be one funding cycle per fiscal year contingent upon program funding by City Council. Applications may be submitted in April and May of each year. Projects will be reviewed by staff and transmitted to City Council for funding no later than July of each year.