

RESOLUTION 2011-08

Amendment #1 to the Local Commercial Building Façade Program Policy

RESOLUTION OF THE CITY COMMISSION OF LAKE WALES, FLORIDA, AMENDING THE "LOCAL COMMERCIAL BUILDING FAÇADE PROGRAM POLICY" TO BE USED IN CONJUNCTION WITH FUNDING FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on December 16, 2008, the City of Lake Wales adopted the "City of Lake Wales Local Commercial Building Façade Program Policy" (also referred to as "CR Policy") to be used as the policy for implementing commercial façade rehabilitation projects that are funded by the Community Development Block Grant (CDBG) program; and

WHEREAS, the City has received CDBG funding under grant agreement contract #09DB-4N-07-63-02-C28 to be used for community improvements including the rehabilitation of commercial building facades; and

WHEREAS, the CDBG grant agreement contract contains the following special condition:

"Before administrative closeout of the grant, the City must revise their CR policy to include the requirement that CDBG funds may be expended on the roof of a privately-owned commercial building only after rehabilitation of the façade;" and

WHEREAS, it is the City's intent to comply with the requirements and conditions of the CDBG grant agreement.


NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE WALES, FLORIDA;

SECTION 1. That the City of Lake Wales shall continue to administer its Commercial Building Façade Program in accordance with the Policy attached hereto as Exhibit "A" and to require that CDBG funds may be expended on the roof of a privately-owned commercial building only after rehabilitation of the façade as per the Policy amendment attached hereto as Exhibit "B".

SECTION 2. Effective Date: The effective date of this resolution shall be upon approval by the City

PASSED AND DULY ADOPTED with a quorum present and voting by the City of Lake Wales City Commission on this 17th day of May, 2011.

CITY COMMISSION
LAKE WALES, FLORIDA


MAYOR

ATTEST



CITY CLERK

Exhibit A
City of Lake Wales Local Commercial Building Façade Program Policy
(Adopted December 16, 2008)

CITY OF LAKE WALES
LOCAL COMMERCIAL REHABILITATION POLICY

Introduction

As part of its community redevelopment plan, the Community Redevelopment Agency Board of the City of Lake Wales administers a Façade Grant Program to encourage business owners to make improvements to buildings located within the Community Redevelopment Area (CRA). It is the City's intent to use funds for this program from the Florida Small Cities Community Block Grant (CDBG) Program as administered by the Florida Department of Community Affairs. This rehabilitation policy is consistent with applicable CDBG rules and requirements.

Eligible Costs

The final determination of activities eligible for funding will be made by the City of Lake Wales (with consultation as may be required from the Florida Department of Community Affairs, CDBG Program). Activities that are eligible for funding under this program include:

- 1) Store facade construction costs include but are not limited to:
 - a. Removal of false facades
 - b. Facade cleaning
 - c. Stucco restoration
 - d. Painting
 - e. Replacement of windows or doors
 - f. Attached Signage
 - g. Awnings
 - h. Glazing
 - i. Electrical (directly related to exterior or display window lights, security lighting or the illumination of attached signage or awnings)
 - j. Code violations
 - k. Removal or relocation of air conditioning units, awnings or signage
 - l. Providing handicapped access
- 2) Code Corrections
 - a. Roof repairs, including replacement and/or modification. However, a condition of roof repair is that first there is an issuance of a code violation report and the funds are used to repair the roof to comply with the code violation report. Also, if there are other code violations, including handicap access deficiencies, these problems must be addressed prior to addressing the roof violation.
 - b. Electrical, upgrade to code, new distribution, new service only.
 - c. Handicapped Accessibility (consistent with 24 CFR Part 8)
 - store entrances
 - interior ramping or other accessibility means

- widening doorway
 - rest rooms renovations for handicapped accessibility
- d. The costs of any necessary construction permit or professional fees.

3) Renovation Assistance Conditions

- a. Renovation construction costs are limited to exterior renovation, handicapped accessibility and cited code violations only.
- b. Workmanship must be of a professional quality.
- c. Renovation construction must comply with the City zoning requirements and the design must have been revised and/or approved as appropriate by the Design Committee, Citizens Advisory Task Force (CATF), City Commission and the State Historic Preservation Officer (SHPO), if applicable.
- d. Construction must start within one hundred twenty days (120) days of design approval by the City and be completed within one hundred twenty (120) days of the start of construction.
- e. The owner and/or tenant must comply with all requirements of the City for obtaining permits, including building permits, sign permits and any other related permits.
- f. Work of any kind that is started without proper permits, sealed plans and specifications, if applicable, will not be eligible for assistance.
- g. In the event that lead based paint is found on the property, appropriate abatement procedures will need to be undertaken as required by 9B-43, FAC and 24 CFR Part 35, et. al, as appropriate.
- h. CDBG funds may be used for handicap accessibility improvements only to public buildings in the CRA.

Match Requirement

No match is required. The CDBG program will fund exterior construction and renovation elements related to façade improvements as well as handicapped access improvements, roof repairs and code violations subject to the rules of the Florida Small Cities Community Development Block Grant program.

Criteria

Application Forms are available for the City Manager's Office. Applications will be reviewed using the following criteria:

- The business is located on Lincoln Ave. or North Ave.
- There is a potential impact on the attractiveness of the City.
- If applicable, the improvements comply with the State of Florida Historic Preservation Guidelines.
- The improvements meet all applicable ordinances or building code requirements of the City.
- The improvements are approved by the building owner.
- Plans, renderings and or photos of the proposed improvements have been submitted to the City.
- The business provides (or will provide) services that are available to all residents of the CRA.
- The business owner agrees to operate a business (or lease the building to a business) that will operate in the building upon completion of the rehabilitation activities

Application Process

Submit a completed application to the City Manager's Office located at 201 Central Ave. (P.O. Box 1320) Lake Wales, Florida 33859-1320.

The City (City staff and/or other City designees) will review each application for completeness and eligibility by using the criteria stated above. An incomplete application will be returned to the applicant so that corrections/additions can be made and then resubmitted to the City.

Applications that meet the required criteria will be forwarded to the Design Committee. A meeting will then be arranged to discuss the design features and make recommendations. The Citizen Advisory Task Force will also meet to review and comment on the applications.

Applications will then be ranked by the Design Committee.

Applications will be forwarded to the CRA Board in ranked order for approval based on the availability of funding.

Grant Requirements

Award Letter: After the funds for the rehabilitation have been approved by the CRA board, an award letter, agreement form and "conflict of interest" form will be sent via U.S. mail to the building owner (or his or her designee). The agreement and certification form must be signed and then returned to the City. The "conflict of interest" form is used to identify whether the building owner, the building tenants or occupants are related to any City elected official or City employee that is involved in administering this commercial rehabilitation program. If a relationship exists, there is a conflict of interest and grant funds cannot be used for the planned rehabilitation activities, unless a waiver is granted by the Florida Department of Community Affairs, Small Cities Community Development Block Grant Program. In situations where a conflict exists, the City will request the waiver if it is determined that a waiver request is appropriate.

Building Permits: All work over \$250.00 requires the issuance of a City building permit. Permits and building inspections must be arranged by the contractor in the Building Department located at 201 West Central Ave. Failure by the Contractor to obtain a building permit can result in additional permit fees and/or penalties and revocations of the grant award.

Bids: Because public funds will be spent on the project, the procurement of contractors must follow City and CDBG program requirements. It is the responsibility of the applicant to submit a minimum of three written bids for the work based on the bid package specifications as approved by the Design Committee. However, please note that the City will provide advice and guidance during the bid process to ensure proper procurement procedures are followed and will review the bids after they are submitted. CDBG funds will pay for the amount equal to the lowest bid. It is the bidder's responsibility to thoroughly inspect the project site to ensure an accurate bid. If the building owner prefers to use a higher bidder, it is the building owner's responsibility to pay the difference above the lowest bid.

Purchase Orders: After City staff approves the bid, staff will issue a purchase order (PO).

The City will then coordinate with the building owner to arrange for the work to begin.

Construction Contract: The construction contract shall be between the building owner and the selected contractor. The City will provide guidance and assistance to ensure that all forms and notices that are part of the construction contract are properly signed and approved before construction begins.

Payment: Once the project is completed, the building owner must verify in writing that all of the work is completed satisfactory. The City will also physically inspect the work to ensure that it is completed to specifications. After the work is inspected and a letter of satisfaction has been submitted to the City (and after a Certificate of Occupancy is issued, if required), the City will pay the invoice by issuing a joint check to the building owner and the contractor. The City will pay up to the amount awarded as described in the award letter and agreement form. Any work performed that is beyond the approved project cost and scope will be the responsibility of the building owner.

Documentation: The City will coordinate with the contractor, building owner and business tenants as appropriate to ensure that the following documentation is maintained in City files:

- Cancelled checks
- Detailed invoices and paid receipts
- Name, address, telephone number of all parties paid with CDBG funds
- Signed statement attesting to the design and construction costs incurred.
- Applicable Federal Wage & Hour rate forms

Also, the City will ensure that records of expenditures of funds shall be maintained accurately. Records must permit ready comparison between the expenditure and the contracted budget line items as defined in the agreement.

Notice of Commencement: All work over \$2,500 must have a Notice of Commencement issued by the City and filed in the official records of the County.

Program Restrictions and Limitations:

The completed Commercial Rehabilitation work shall be ineligible for additional CDBG funding for a period of five (5) years.

No building owner, lessor, lessee, tenant, or occupant or employee or immediate relative of the same, either personally or corporately, shall serve as contractor or sub-contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building.

If a building owner, lessor, lessee, tenant, or occupant of the building that is to receive CDBG assistance is related to any City employee or City official a "conflict of interest" exists. **CDBG funds can be used for assistance to the building only if a Conflict of Interest waiver** is granted by the Florida Department of Community Affairs. If a conflict of interest situation arises, the City will request a waiver from the Department if deemed appropriate.

The City will comply with limitations on the amount of CDBG funds to be used for each building façade rehabilitation as may be required by the Florida Department of Community Affairs.

Federal Labor Standards

This program requires that when an individual business/tenant renovation exceeds \$2000.00 in total cost, all laborers must be paid at wages not less than those contained in the wage determination of the Secretary of Labor for each clarification of work (Davis Bacon Act). All contracts for eligible work to be performed shall use a City of Lake Wales approved contract form that includes all HUD and DCA required language for Labor Standards, Section 3 requirements, Section 504 Handicapped Requirements and all other applicable language.

Design Guidelines

Building Façade renovations shall comply with the City's *Design Guidelines*. A copy of the guidelines is available for reference at the City Manager's office and with the Lake Wales Main Street Program Office. *Design Guidelines* was developed as a part of the City's effort to preserve the community's identity and heritage and to help improve the City's livability and quality of life. *Design Guidelines* offer approaches that will help enhance the quality and strengthen the visual continuity of the entire City.

The following are excerpts from *Design Guidelines*:

1. Planned improvements must preserve the architectural integrity of the building and restore, when possible, the original design of the façade.
2. Colors should be indicative of the building's original color and/or period in which it was originally built. Whenever historical integrity is not compromised, colors should be harmonious with the neighboring structures.
3. The surface cleaning of structures must be the gentlest method available. Chemical cleaners should be avoided due to the possible damage of aged building components. Sandblasting is not an approved method of cleaning.
4. The size, color and shape of a sign, canopy or awning should complement the building and add to the historic flavor of ambiance of the area. All signage must comply with local sign ordinances and must include a permit issued by the City.

Exhibit B

Amendment to the City of Lake Wales Local Commercial Building Façade Program Policy Adopted December 16, 2008

It is the policy of the City of Lake Wales to allow the expenditure of CDBG funds on the roof of a privately-owned commercial building only after rehabilitation of the façade.