

# Request for City Council Action

**Date:** May 24, 2016

|   |   |
|---|---|
| <p><b>Agenda Section:</b> Consent</p> <p><b>No. 5</b></p>   | <p><b>Originating Department:</b></p> <p>Development Services/Legal</p> |
| <p><b>Item:</b> An Ordinance creating the Down Payment Assistance Program, the Curb Appeal Assistance Program, and the Downtown Upper-story Conversion Program. and an Ordinance amending the Single Family Housing Conversion Program</p> <p><b>No. 5.12</b></p> | <p><b>Approved:</b></p>   |

**Background and Summary:**

In an effort to incentivize homeownership in Carbondale, the City of Carbondale is proposing the creation of two new programs to assist with the down payment of a new home in Carbondale and to assist home owners in improving the curb appeal of their property. In an attempt to create more housing in the City’s Downtown, staff is also recommending that a new Downtown Upper-story Conversion Program be created. This program would assist property owners of existing commercial buildings located in the BPR, Primary Business, district with the conversion of vacant upper stories to habitable living space. In addition, it is proposed that the City’s current Single Family Housing Conversion Program be amended in an effort to make the program more appealing to prospective home buyers.

The City Council approved \$70,000 in the FY 2017 budget to help implement these programs. Of these funds, \$20,000 will remain dedicated to the Single Family Housing Conversion Program, while the remaining \$50,000 will be split between the three new programs.

**Down Payment Assistance Program and Curb Appeal Assistance Program**

The Down Payment Assistance Program will provide a matching down payment up to \$3,000 for any homebuyer purchasing their first home within the Carbondale City Limits. The homeowner’s required match would be proportionate to their income levels. (please refer to the tables on the following page)

In an effort to enhance the aesthetics of the city’s residential areas, the City of Carbondale is proposing the creation of the Curb Appeal Assistance Program. Under this program, homeowners would be eligible for a matching grant for any single family, owner-occupied home located within an R-1, Low Density Residential, zoning district. Improvements eligible for City funding include, but are not limited to, the following: roofing, siding, exterior doors, windows, sidewalks, and driveways. The assistance shall not exceed \$3,000, and the homeowner’s required match would be proportionate to their income levels.

|                                     |                                 |                               |                      |                                   |
|-------------------------------------|---------------------------------|-------------------------------|----------------------|-----------------------------------|
| Engineering<br>Approval<br>Obtained | Finance<br>Approval<br>Obtained | Legal<br>Approval<br>Obtained | Approval<br>Obtained | Manager's<br>Approval<br>Obtained |
|-------------------------------------|---------------------------------|-------------------------------|----------------------|-----------------------------------|

Council Action: Motion by \_\_\_\_\_ 2nd by \_\_\_\_\_ to \_\_\_\_\_

As a requirement of both programs, all recipients must place a restrictive covenant on the property requiring the home to be owner-occupied for a period no less than 5 years. This agreement, recorded at the Jackson County Courthouse, would require the homeowner to repay all or a portion of the funds received in the case they should rent or sell the home within the recapture period. Based on staff's experience with similar programs, it is recommended that the covenant be prorated for the 5 year term. Every month the homeowner owns and occupies the home, the amount will be reduced by 1/60<sup>th</sup> of the original amount. This will allow the City to ensure homeowners are not turning around homes for immediate financial gain while also not deterring participation in the programs with a long term commitment.

Staff is recommending a sliding scale to determine the amount of the homeowner's required match. This scale is based on the Median Area Income levels for the household. To determine these levels, the City will use the levels released by the Department of Housing and Urban Development every year which guides the eligibility requirements for CDAP and HOME grants the City currently implements.

Below are the Median Area Income (MAI) Levels for 2015:

| Income Limit | Household Members |        |        |        |        |        |        |        |
|--------------|-------------------|--------|--------|--------|--------|--------|--------|--------|
|              | 1                 | 2      | 3      | 4      | 5      | 6      | 7      | 8      |
| 80%          | 33,550            | 38,350 | 43,150 | 47,900 | 51,750 | 55,600 | 59,400 | 63,250 |
| 50%          | 21,000            | 24,000 | 27,000 | 29,950 | 32,350 | 34,750 | 37,150 | 39,550 |
| 30%          | 12,600            | 15,930 | 20,090 | 24,250 | 28,410 | 32,570 | 36,730 | 39,550 |

Below is the proposed amount of homeowner contribution required per income level:

| Income Level  | Owner Match |
|---------------|-------------|
| >80% MAI      | 100%        |
| 50% - 80% MAI | 80%         |
| 30% - 50% MAI | 50%         |
| <30% MAI      | 30%         |

Below are some examples as to how much funding owners would need to contribute to receive the maximum \$3,000 City contribution:

| Income Level  | Owner Contribution | City Contribution |
|---------------|--------------------|-------------------|
| >80% MAI      | \$3,000            | \$3,000           |
| 50% - 80% MAI | \$2,400            | \$3,000           |
| 30% - 50% MAI | \$1,500            | \$3,000           |
| <30% MAI      | \$900              | \$3,000           |

### **Downtown Upper-story Conversion Program**

The Downtown Upper-story Conversion Program will assist property owners in the BPR, Primary Business, district to convert the upper stories of existing commercial buildings into habitable dwelling units. The City of Carbondale would offer a \$2,500 incentive for each new dwelling unit, up to \$5,000, to any downtown property owner upon the successful conversion of

an upper story into habitable living space. As the recently adopted Downtown Master Plan points out, residential units located in downtown will help further support businesses in the area. The proposed improvements to downtown buildings will necessitate a TIF Redevelopment Agreement with the owner. The amount of TIF funds generated from a new project will likely result in the City recouping the entire grant award within 10 years, if not sooner.

### **Single Family Housing Conversion Program amendments**

On October 16, 2007, the Carbondale City Council adopted Ordinance No. 2007-39, establishing the Single Family Housing Conversion Program. The Program was established with the intent of encouraging prospective homebuyers to purchase and convert rental property into single family owner occupied homes and has assisted in the conversion of 29 homes as of the end of Fiscal Year 16. For homebuyers who seek to purchase and convert a rental home to a single family home, the City offers a \$5,000 incentive if the homebuyer agrees to place a restrictive covenant on the property. The covenant states that the homeowner must own and occupy the home for a period no less than 10 years after the purchase of the property. Should the homeowner sell or rent the home during that period, the full \$5,000 would become payable to the City of Carbondale.

It has been staff's experience that the 10 year requirement has been far too restrictive for the program. Other housing assistance programs offered by the City carry similar requirements, but are often pro-rated and usually involve a much larger amount of assistance. The 10 year requirement the City has on the rental conversion program has been deterring participation and has led to unobligated grant funds these past few fiscal years.

It is staff's recommendation that the City Council amend the Single Family Housing Conversion Program to require a restrictive covenant only for a period of 5 years and that the amount of assistance be prorated for every month the homeowner owns and occupies the home. Therefore, every month the home is owned and occupied, the amount will be reduced by 1/60<sup>th</sup> of the original amount.

### **Attached for Council review are the following:**

1. An ordinance creating the Down Payment Assistance Program, the Curb Appeal Assistance Program, and the Downtown Upper-story Conversion Program.
2. An Ordinance amending the Single Family Housing Conversion Program.

### **Recommended Motion:**

It is recommended that the Council move "to adopt the ordinance creating the Down Payment Assistance Program, the Curb Appeal Assistance Program, and the Downtown Upper-story Conversion Program, and adopt the Ordinance amending the Single Family Housing Conversion Program."



**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2016-**

**AN ORDINANCE ESTABLISHING A CURB APPEAL ASSISTANCE PROGRAM IN  
THE CITY OF CARBONDALE, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THIS 24<sup>TH</sup> DAY OF MAY, 2016**

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,  
Jackson County, Illinois, this 25<sup>th</sup> day of May, 2016.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,  
Illinois, and the official custodian of the records of said City, do hereby certify that this  
Ordinance was published in pamphlet form by authority of the City Council on the 25<sup>th</sup>  
day of May, 2016.**

---

**Jennifer R. Sorrell, City Clerk**

**ORDINANCE 2016-\_\_\_\_**

**AN ORDINANCE ESTABLISHING A CURB APPEAL ASSISTANCE PROGRAM IN  
THE CITY OF CARBONDALE, ILLINOIS**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, enhanced aesthetics of the City's residential areas can enhance the marketability of homes in the neighborhood; and

**WHEREAS**, the City Council of the City of Carbondale in an effort to increase owner occupied homes has established other incentives to encourage home ownership, an increase in the aesthetics of residential neighborhoods will have a positive effect on increasing the likelihood of homes be purchased,

**WHEREAS**, the City Council of the City of Carbondale wishes to establish a Curb Appeal Assistance Program, wherein the City would provide matching funds up to \$3,000, the homeowner's required match would be proportionate to their income levels based upon the Median Area Income (MAI) Levels for the current year; and

**WHEREAS**, the homeowner would be required to record a restrictive covenant on the property which will require the home to remain owner-occupied for a period of five (5) years with the curb appeal assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60<sup>th</sup> of the original amount for each month the home is owner-occupied during the five (5) years; and

**WHEREAS**, the City Council of the City of Carbondale, Illinois finds it in the best interest of the City of Carbondale to establish a Curb Appeal Assistance Program with a matching funds of up to \$3,000 based upon the MAI Levels for the current year, with a restrictive covenant being recorded on the property in which the home will remain owner-occupied for a period of five (5) years with the curb appeal assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60<sup>th</sup> of the original amount for each month the home is owner-occupied during the five (5) years; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The City of Carbondale hereby establishes a Curb Appeal Assistance Program with a matching funds of up to \$3,000 based upon the MAI Levels for the current year, with a restrictive covenant being recorded on the home which will require the home to remain owner-occupied for a period of five (5) years with the curb appeal assistance being recaptured at a prorated rate of 1/60th of the original amount if the property ceases to be owner-occupied within the five (5) years.

**SECTION 2.** That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Curb Appeal Assistance Program and entering into agreements with eligible recipients for funding.

**SECTION 3.** That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

**SECTION 4.** That all ordinances and parts thereof in conflict herewith are expressly

repealed and are of no other force and effect.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
Lenoard "Jamie" Snyder, Assistant City Attorney

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2016-**

**AN ORDINANCE ESTABLISHING A DOWN PAYMENT ASSISTANCE PROGRAM IN  
THE CITY OF CARBONDALE, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THIS 24<sup>TH</sup> DAY OF MAY, 2016**

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,  
Jackson County, Illinois, this 25<sup>th</sup> day of May, 2016.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,  
Illinois, and the official custodian of the records of said City, do hereby certify that this  
Ordinance was published in pamphlet form by authority of the City Council on the 25<sup>th</sup>  
day of May, 2016.**

---

**Jennifer R. Sorrell, City Clerk**

**ORDINANCE 2016-\_\_\_\_**

**AN ORDINANCE ESTABLISHING A DOWN PAYMENT ASSISTANCE PROGRAM IN  
THE CITY OF CARBONDALE, ILLINOIS**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City of Carbondale has a high number of rental properties within the City limits and the City Council desires a method of encouraging home ownership and finds that offering a Down Payment Assistance Program may be one step in this process; and

**WHEREAS**, the assistance will be in the form a matching down payment up to \$3,000 for any homebuyer purchasing their first home within the Carbondale city Limits, the homeowner's required match would be proportionate to their income levels based upon the Median Area Income (MAI) Levels for the previous year; and

**WHEREAS**, the homeowner would be required to record a restrictive covenant on the property which will require the home to remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60<sup>th</sup> of the original amount for each month the home is owner occupied during the five (5) years; and

**WHEREAS**, the City Council of the City of Carbondale, Illinois finds it in the best interest of the City of Carbondale to establish a Down Payment Assistance Program with a matching down payment of up to \$3,000 based upon the MAI Levels for the current year, with a

restrictive covenant being recorded on the property in which the home will remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured if the property ceases to be owner occupied at a prorated rate of 1/60<sup>th</sup> of the original amount for each month the home is owner-occupied during the five (5) years; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The City of Carbondale hereby establishes a Down Payment Assistance Program with a matching down payment of up to \$3,000 based upon the MAI Levels for the current year, with a restrictive covenant being recorded on the home which will require the home to remain owner-occupied for a period of five (5) years with the down payment assistance being recaptured at a prorated rate of 1/60th of the original amount if the property ceases to be owner-occupied within the five (5) years.

**SECTION 2.** That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Down Payment Assistance Program and entering into agreements with eligible recipients for funding.

**SECTION 3.** That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

**SECTION 4.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of

any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
Lenoard "Jamie" Snyder, Assistant City Attorney

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2016-**

**AN ORDINANCE AMENDING THE SINGLE FAMILY HOUSING CONVERSION  
PROGRAM FOR THE PURPOSE OF INCREASING OWNER OCCUPANCY IN THE  
CITY OF CARBONDALE, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THIS 24<sup>TH</sup> DAY OF MAY, 2016**

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,  
Jackson County, Illinois, this 25<sup>th</sup> day of May, 2016.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,  
Illinois, and the official custodian of the records of said City, do hereby certify that this  
Ordinance was published in pamphlet form by authority of the City Council on the 25<sup>th</sup>  
day of May, 2016.**

---

**Jennifer R. Sorrell, City Clerk**

**ORDINANCE 2016-\_\_\_\_**

**AN ORDINANCE AMENDING THE SINGLE FAMILY HOUSING CONVERSION PROGRAM FOR THE PURPOSE OF INCREASING OWNER OCCUPANCY IN THE CITY OF CARBONDALE, ILLINOIS**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, in 2007 the City Council of the City of Carbondale established, in Ordinance 2007-39, a single family housing conversion program to encourage owner occupancy in neighborhoods which had become predominately rental; and

**WHEREAS**, since the grant was formed it has gone underutilized due to the ten (10) year payback provision; and

**WHEREAS**, the City Council finds it in the best interest of the City of Carbondale to amend the language to allow for proration of the amount to be paid back if the owner of record does not remain in the home for the ten (10) years; and

**WHEREAS**, the Single Family Housing Conversion Grant shall be amended so that the ten (10) year repayment program be amended to five (5) years prorated at a rate of 1/60<sup>th</sup> of the original amount for each month the home is owned and occupied. The City shall require that the residential structure remain owner occupied for no less than five years by the owner of record.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**

**CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** That the City Council hereby amends the Single Family Housing Conversion Grant so that the ten (10) year repayment program be amended to five (5) years at prorated rate of 1/60<sup>th</sup> the original amount for every month the home is owned and occupied.

**SECTION 2.** That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Single Family Housing Conversion Program and entering into agreements with eligible recipients for funding under the Single Family Housing Conversion Program.

**SECTION 3.** That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

**SECTION 4.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
Lenoard "Jamie" Snyder, Assistant City Attorney

**CITY OF CARBONDALE, ILLINOIS**

**ORDINANCE NO. 2016-**

**AN ORDINANCE ESTABLISHING A DOWNTOWN UPPER-STORY CONVERSION  
PROGRAM IN THE CITY OF CARBONDALE, ILLINOIS**

**ADOPTED BY THE CITY COUNCIL**

**OF THE CITY OF CARBONDALE, ILLINOIS**

**THIS 24<sup>TH</sup> DAY OF MAY, 2016**

**Published in pamphlet form by authority of the City of Council of the City of Carbondale,  
Jackson County, Illinois, this 25<sup>th</sup> day of May, 2016.**

**CERTIFICATE OF PUBLICATION**

**I, Jennifer R. Sorrell, the duly qualified City Clerk of the City of Carbondale,  
Illinois, and the official custodian of the records of said City, do hereby certify that this  
Ordinance was published in pamphlet form by authority of the City Council on the 25<sup>th</sup>  
day of May, 2016.**

---

**Jennifer R. Sorrell, City Clerk**

**ORDINANCE 2016-\_\_\_\_**

**AN ORDINANCE ESTABLISHING A DOWNTOWN UPPER-STORY CONVERSION PROGRAM IN THE CITY OF CARBONDALE, ILLINOIS**

**WHEREAS**, the City of Carbondale, Illinois, is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

**WHEREAS**, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City of Carbondale has undergone a process to increase the presence of people within the downtown area of the City of Carbondale with the Downtown Master Plan; and

**WHEREAS**, several properties in the downtown area of the City of Carbondale have upper-story areas that being underutilized; and

**WHEREAS**, it is desirable to have residential properties within the downtown area; and

**WHEREAS**, the City Council of the City of Carbondale, Illinois finds it in the best interest of the City of Carbondale to establish a Downtown Upper-Story Conversion Program to assist property owners within the BPR, Primary Business, district to convert the upper stories of existing commercial buildings into habitable dwelling units by offering a \$2,500 incentive for each new dwelling unit up to \$5,000 upon the successful conversion of an upper story into habitable living space, the owner will be required to enter into a TIF Redevelopment Agreement with the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The City of Carbondale, Illinois hereby establishes a Downtown Upper-Story Conversion Program to assist property owners within the BPR, Primary Business, district to convert the upper stories of existing commercial buildings into habitable dwelling units by offering a \$2,500 incentive for each new dwelling unit up to \$5,000 upon the successful conversion of an upper story into habitable living space, the owner will be required to enter into a TIF Redevelopment Agreement with the City.

**SECTION 2.** That the City Manager of the City of Carbondale is hereby authorized to and shall take any and all reasonable, necessary and proper action to carry out the intent and purposes of this Ordinance, including but not limited to, establishing terms and conditions for eligibility under the Downtown Upper-Story Conversion Program and entering into agreements with eligible recipients for funding.

**SECTION 3.** That the Finance Director is hereby authorized to disperse the funds necessary to accomplish the intent of this Ordinance.

**SECTION 4.** That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

**SECTION 5.** That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**SECTION 6.** That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is

passed pursuant to authorities granted it by State statutes and the Home Rule powers of the City of Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

**SECTION 7.** That this Ordinance shall take effect upon its passage, approval, recording, and publication in pamphlet form in accordance with law.

APPROVED: \_\_\_\_\_  
John M. Henry, Mayor

ATTEST: \_\_\_\_\_  
Jennifer R. Sorrell, City Clerk

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
Lenoard "Jamie" Snyder, Assistant City Attorney