

**RESOLUTION 2022-08-01**

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) ACTING AS THE COMBINED NORTHBANK COMMUNITY DEVELOPMENT AGENCY (“GRANTOR”) APPROVING THE AWARD OF A RETAIL ENHANCEMENT PROGRAM FORGIVABLE SIDEWALK ENHANCEMENT LOAN TO THE FUN DEPARTMENT LLC. (“GRANTEE”); AUTHORIZING THE CEO OF THE DIA TO NEGOTIATE A FORGIVABLE LOAN AGREEMENT OR EQUIVALENT; AUTHORIZING THE DIA CEO TO EXECUTE SUCH AGREEMENT; AND FINDING THAT THE PROPOSED SIDEWALK CAFÉ FURTHERS THE DIA’S BUSINESS INVESTMENT AND DEVELOPMENT PLAN, INCLUDING THE NORTHBANK CRA PLAN (“BID PLAN”) AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS** the Grantee submitted a Retail Enhancement Program - Sidewalk Enhancement application to the DIA under the Targeted Retail Activation: Food and Beverage Establishments Program adopted by DIA pursuant to Resolution 2020-06-01 and as further modified by Resolution 2021-12-02; and

**WHEREAS,** the application, attached hereto as Exhibit A, was reviewed by the DIA staff, and found to be consistent with the BID Plan and CRA Plan for Downtown Northbank; and

**WHEREAS,** the DIA is authorized to utilize the Northbank Combined Tax Increment District funds, in accordance with the CRA Plan, to foster the redevelopment of the Downtown Northbank Community Redevelopment Area; and

**WHEREAS,** there are sufficient funds available within the Northbank CRA approved budget for Retail Enhancement to fund this request; and

**WHEREAS,** to assist the Grantee in activating Downtown by allowing for more outdoor seating for the establishment, and more sidewalk activation., DIA staff recommends that the DIA approve a Sidewalk Enhancement Forgivable Loan in the amount not to exceed \$4,300.00 (Four Thousand Three Hundred Dollars) to the Grantee in accordance with the terms of the established program and the application attached hereto as Exhibit A; and

**NOW THEREFORE, BE IT RESOLVED,** by the Downtown Investment Authority:

**Section 1.** The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

**Section 2.** The DIA hereby finds that the Project is supported by the following Goal(s) and Strategic Objective(s) of the BID Plan:

- Goal 3: Increase and diversify the number and type of retail, food, and beverage, and entertainment establishments within Downtown.
- Goal 4: Increase the vibrancy of Downtown for residents and visitors through arts, culture, history, sports, theater, events, parks, and attractions.
- Goal 6: Improve the walkability/bike-ability of Downtown and pedestrian and bicycle connectivity between Downtown and adjacent neighborhoods and the St. Johns River

**Section 3.** The DIA hereby approves the award of a Retail Enhancement Grant Sidewalk Enhancement Grant in the amount of \$4,300.00 from the Combined Northbank CRA to Grantee to be provided in accordance with the application attached hereto as Exhibit A and the adopted Sidewalk Enhancement program guidelines.

**Section 4.** This award is subject to each of the following prior to reimbursement for eligible expenditures as may be submitted:

- a) Maximum funding limited to 80% of actual costs incurred as supported by invoices, but not more than \$4,300.00, and
- b) Evidence that the lease for the subject property and operation of the subject business has been renewed for a period of not less than three years.
- c) Tenant's submission and approval of a valid Sidewalk Café Permit approved upon funding request and board approval.
- d) DIA reserves the right to inspect the improvements during the compliance period.
- e) The admission of the Sidewalk Enhancement grant will be made as a grant with clawback provisions for a term of 3 years.

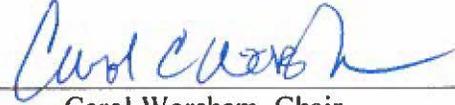
**Section 5.** The Chief Executive Officer is hereby authorized to negotiate and execute the Loan Agreement or equivalent and otherwise take all necessary action in connection therewith to effectuate the purposes of this Resolution.

**Section 6.** The Effective Date of this Resolution is the date of execution of this Resolution by the Chair of the DIA Board.

\*\*\* SIGNATURES FOUND ON THE FOLLOWING PAGE \*\*\*

WITNESS:

**DOWNTOWN INVESTMENT AUTHORITY**

 Witness       Carol Worsham, Chair      8/17/22 Date

VOTE: In Favor: 6 Opposed: 0 Abstained: 0



# EXHIBIT A

DOWNTOWN INVESTMENT AUTHORITY  
117 West Duval Street #310, Jacksonville, Florida 32202  
(904) 255-5302 | <https://dia.coj.net/>

*For Official Use Only:*  
Application#: \_\_\_\_\_ Date Received: \_\_\_\_\_ Date Found Complete: \_\_\_\_\_

**RETAIL ENHANCEMENT PROGRAM  
TARGETED RETAIL ACTIVATION: FOOD AND BEVERAGE ESTABLISHMENTS  
SIDEWALK ENHANCEMENT APPLICATION FOR OUTDOOR SERVICE  
(For use on a stand-alone basis)**

*Upon completion, please submit application to [DIAprograms@coj.net](mailto:DIAprograms@coj.net)*

*Note: DIA "Grants" are structured as forgivable loans with related performance requirements and rights and remedies in the event of default. Upon approval, applicants will be required to enter into a loan agreement that details these requirements and may be supported by personal guarantees from the business and property owners.*

**PART 1: To be completed by Business Owner**

**I. APPLICANT INFORMATION:**

- A. Business Operating Name (d/b/a): Underbelly
- B. Type of Business (i.e. café, ice cream shop, restaurant, etc.): Restaurant / Live Music Venu
- C. Property Address: 113 East Bay Street. Jacksonville, FLA 32202
- D. Business Mailing Address: 113 East Bay Street. Jacksonville, FLA 32202
- E. Business Telephone: 904-307-3603 Website URL: www.underbellyjax.com
- F. Business Legal Name: The Fun Department LLC
- G. Form of Ownership (sole proprietorship, partnership, LLC, S-Corp.): LLC
- H. State of Business Formation: Florida
- I. Employer Tax ID: 84-3272548 Business Tax Receipt #: \_\_\_\_\_
- J. Contact Person (Name/Title): Jason Hunnicutt / Owner
- K. Contact Mailing Address: 113 East Basy Street
- L. Contact Telephone: 904-307-3603 Contact E-Mail: 1904booking@gmail.com
- M. Number of Years of Business Operations at this site or location: 2

**II. PROPERTY INFORMATION: (A Sidewalk Café Permit is required to be issued prior to the award of this Grant. A copy of the Sidewalk Café Permit and Application shall be submitted with this Application.)**

- A. The applicable Targeted Food and Beverage District:  Hogan x Laura  Elbow
- B. Are ad valorem property taxes on the Building current?  Yes  No
- C. Does the Business have a Sidewalk Café permit currently?  Yes  No

**III. ESTABLISHMENT LEASE INFORMATION:**

A. Lease term (number of years, 5-year minimum):	<u>15</u>
B. Lease term start date:	<u>Nov. 2019</u>
C. Lease end date:	<u>Nov. 2034</u>
D. Landlord Business Name:	<u>Petra</u>
E. Landlord Contact Name:	<u>Elias Hionedes</u>
F. Landlord Address:	<u>220 East Forsyth Street, Suite A Jacksonville, FL 32202</u>
G. Landlord Phone Number:	<u>904-241-1151</u>

**IV. SIDEWALK ENHANCEMENT INFORMATION**

A. Any and all funding under the Sidewalk Enhancement Grant program may only be used within the area described in the valid Sidewalk Café Permit (*referred to as "Sidewalk Area"*).

B. Describe the proposed Sidewalk Area Enhancements. Include anticipated Furniture, Fixtures, and Equipment to be acquired: We are planning to purchase seven outdoor bar height powdered-coated aluminum tables and chairs. These will be separated from a pedestrian sidewalk by retractable stantions

C. Describe how the proposed Sidewalk Area Enhancements will be used to improve or expand the business and the Downtown area, including any other activities planned for the sidewalk in front of your business: This will allow for more seating for our establishment, outdoor seating, and more sidewalk activation.

D. Describe what measures will be undertaken by the Business Owner to preserve and protect Furniture, Fixtures, and Equipment acquired with grant funds from damage, theft, or other loss beyond normal wear and tear. All furniture and separation will be brought in at the end of the evening

E. Provide information on any DIA incentives or funding the Building or Business has received in the past or any application currently under consideration (NOTE: Sidewalk Enhancement Grant funds may not be used for costs of improvements submitted as part of any other application or previously approved by the City of Jacksonville or the DIA.)

We have not recieved or applied for any other grants

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**V. ENHANCEMENT COSTS AND REQUESTED FUNDING FROM DIA:**

**A. TOTAL SIDEWALK AREA ENHANCEMENT COST and SOURCES**

1. Estimated total cost of Sidewalk Area Enhancement:	\$ <u>6000</u>	100 %
2. Applicant contribution (amount and % of total (min. 20%)):	\$ <u>1200</u>	<u>20</u> %

**B. TOTAL AMOUNT REQUESTED FROM DIA:**

1. Eligible Costs x 80% (Not to exceed \$5,000):	\$ <u>4800</u>	<u>80</u> %
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**Part 2: Required Documentation to be Provided**

- A. A detailed budget identifying all Sidewalk Area enhancement costs, as follows:
  - 1. If performing any construction work, identify all work to be performed, including work not to be paid for by the Sidewalk Enhancement Grant.
    - a. See the FAB-REP Grant and REP Grant guidelines for additional information on costs generally considered eligible or ineligible.
  - 2. Identify all furniture, fixtures, and equipment to be purchased as part of enhancement of the Sidewalk Area, including items not to be paid for by the Sidewalk Enhancement Grant.
  - 3. Furniture, fixtures, and equipment already owned or purchased prior to the submission of this application are not eligible for funding or reimbursement.
- B. A copy of a valid and current Sidewalk Café Permit for the Business and all supporting documents, including the Application, that was submitted for the Sidewalk Café Permit.
- C. A detailed written description and drawing depicting the size, dimension, and location of the Sidewalk Area enhancements and modifications, with samples when applicable.
- D. A copy of the property tax bill to confirm payment of Ad Valorem taxes.
- E. Unless the property owner is the applicant, a notarized statement from the property owner authorizing any construction, improvements, and operations related to this Sidewalk Enhancement application.
- F. A copy of the deed to confirm ownership of the property.
- G. A legally valid and binding lease for a period of at least five years with use restricted to an allowable retail use.
- H. A legally binding agreement with a licensed and qualified contractor, if applicable.
- I. Executed applicable authorization affidavit(s), for example: Agent Authorization for LLC, General Partnership, Corporation, or General Partnership, and Property Ownership Affidavit.

**THIS APPLICATION MUST BE SUBMITTED TO THE DOWNTOWN  
INVESTMENT AUTHORITY AND APPROVED BY THE DOWNTOWN  
INVESTMENT AUTHORITY BOARD PRIOR TO THE COMMENCEMENT OF  
ANY WORK OR PURCHASE OF ANY FURNITURE, FIXTURES, OR EQUIPMENT  
SOUGHT TO BE REIMBURSED UNDER THE PROGRAM**

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**APPLICANT ATTESTATION**

The Applicant, as Business Owner, Jason Hunnicutt attests that the information submitted as part of this application package, as well as any subsequent information submitted for review by the Downtown Investment Authority (“DIA”) Staff, Retail Enhancement and Property Disposition Committee, or the DIA Board, is true and correct, and that all information and documentation submitted, including this application and attachments, is deemed public record under the Florida Public Records Law, Ch. 119 of the Florida Statutes. Falsification or omission of information will result in rejection of the application and potential criminal penalties. The DIA reserves the right to request any additional information needed to process this Application.

If the Applicant is awarded funding from the DIA Sidewalk Enhancement Grant Program, the Applicant agrees that the DIA’s payment of funds will occur only upon completion of the improvements or purchase of furniture, fixtures, and equipment as approved and the satisfactory review of evidence of costs incurred and paid in accordance with the budget as submitted at the time of application. Applicant acknowledges and agrees that the DIA retains the right to review and audit any and all records related to the Sidewalk Enhancement Grant Improvements. Applicant agrees to protect and maintain the Sidewalk Enhancements and furniture, fixtures, and equipment in good repair for at least five (5) years.

*By signing below, the Applicant acknowledges that he or she has read and agrees to adhere to the Sidewalk Enhancement Program Guidelines.*

*By signing below, the Applicant authorizes the DIA to submit a credit verification request and criminal background check from local, state, and federal agencies. Please note that the review of this application will incorporate that information as may be relevant.*

Legal Business Name of Applicant: The Fun Department LLC

Business Owner Signature: Jason Hunnicutt Date: 6/1/22

Business Owner Name: Jason Hunnicutt