

RESOLUTION NO. 848

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, AMENDING EXHIBIT "A" RESOLUTION 811 THE TERRELL CENTRAL BUSINESS DISTRICT (CBD) FACADE IMPROVEMENT PROGRAM IN THE CITY OF TERRELL.

WHEREAS, the Terrell City Council finds that offering incentives for aesthetic improvements to buildings located in the Central Business District (CBD) will promote Terrell's unique history, economic growth and tourism; and

WHEREAS, the Terrell City Council desires that Facade Improvement incentives shall be made in accordance with written Development Agreements approved by the governing body; and

WHEREAS, the Terrell City Council passed Resolution 811 on March 1, 2016, and has successfully implemented a series of improvement projects in the Central Business District; and

WHEREAS, the Terrell City Council finds that the modified policy for the Terrell Central Business District Facade Improvement Program attached hereto as Exhibit "A" is in the best interests of the citizens, property owners, businesses and visitors of the City of Terrell.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS:

Section 1. The Terrell City Council hereby adopts Exhibit "A" attached hereto as the policy which shall govern the approval, execution, qualification and payment of all Central Business District Facade Improvement program incentives.

Section 2. That this Resolution shall hereby authorize the City Manager or his designee to enter into Development Agreements with building owners for the purpose of implementing the policy shown on Exhibit "A". The Terrell City Council shall consider and approve each Development Agreement prior to its execution by the City Manager or his designee.

Section 3. That this Resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas, on this the 21st day of March, 2017.



D. J. Ory, Mayor

ATTEST:



John Rounsavall, City Secretary

APPROVED AS TO FORM:



Mary Gayle Ramsey, City Attorney

EXHIBIT "A"



TERRELL CBD FAÇADE IMPROVEMENT PROGRAM

GUIDELINES:

If you have any application questions, please contact the Municipal Development Department at 972-551-6600 ext. 247

The Terrell CBD Façade Improvement Program is a revitalization effort designed to enhance the unique identity of Terrell through historic preservation and community involvement, improve the visual and historic appearance of downtown Terrell buildings, encourage increased investment in the CBD, and promote additional commercial activity downtown, in order to create a vibrant thriving Central Business District (CBD). Projects are limited to facades on or adjacent to Highway U.S. 80 (Moore Ave.) between Rockwall and Blanche Streets, south of Nash Street and north of Grove Street or adjacent to that zone as determined by the Municipal Development Director and approved by the Terrell City Council. As an economic incentive, the Terrell City Council has adopted the following façade improvement program.



Benefits to Owners:

- Assistance for professional services to help design/engineer façade improvements will be available on an as needed basis.
- 50% reimbursement (up to \$5,000) of construction costs if completed within 90 days.
- Waiver of any/all related city permit fees.
- Three (3) years of abatement of any increase in city only ad valorem taxes attributable to the façade improvement.
- Murals may be funded up to 100%.

THE CBD FAÇADE IMPROVEMENT PROGRAM DETAILS ***(please read carefully):***

The Terrell CBD Façade Improvement Program is set up as a single payment reimbursement to property owners per building/business, and in some situations, tenants for qualified and approved projects.

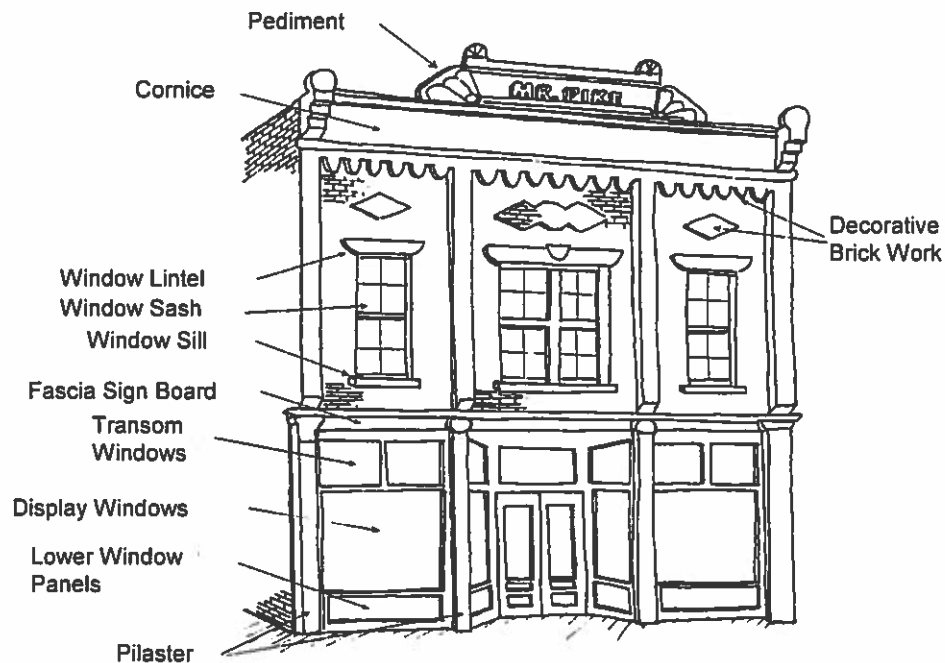
Facade reimbursements are available on a 50/50 matching basis with a cap of \$5,000 per project (\$10,000+ total project). Facade improvement funds focus on exterior work on storefronts that are visible to the traveling public, including permanent signboards, projecting signs, pedestrian signage and attached signs on the front facade. Murals may be funded up to 100%.

- All submitted applications will be reviewed by City staff who will then forward the request to City Council for final approval before any eligible work may begin. **If approved for a façade or sign reimbursement, any deviation from the approved project without prior approval may result in the total or partial withdrawal of the reimbursement.**
- It is understood that contingencies may come up when working on older structures, however, changes in the scope of work eligible for reimbursement must have prior approval before implementing changes to the project.
- All reimbursements are available throughout the year, on a first come, first serve basis until total funds are depleted. Each property is eligible for only one reimbursement per fiscal year (October 1st – September 30th).
- No reimbursements will be awarded for work that has already been done or for work that is covered by insurance.
- No projects will be approved for buildings with burglar bars, boarded up or broken windows, or dilapidated signs unless the bars are removed and windows or signs are repaired as part of the project.
- A sign (provided by the City) stating the project is the recipient of a CBD Façade Improvement Award shall be displayed in the recipient's storefront window or a visible spot on the façade of the building throughout the construction of the project (minimum 1 month period) to help publicly recognize the CBD Façade Improvement Program.
- Structural improvements to historic buildings will also be considered on a case by case basis.



APPLICATION PROCESS:

1. City announces an open application period with project eligibility limited to buildings with a front façade on U. S. Highway 80 (Moore Avenue) between Rockwall and Blanche Streets in the Central Business District.
2. **Determine eligibility:** Set an appointment to discuss project plans with Municipal Development Department Staff. Adherence to the City of Terrell's adopted Codes and Ordinances is required when making any design improvements to properties.
3. **Fill out CBD Façade Improvement Program application form and sign the agreement form.** All applications must include drawings/graphics/photos of the proposed work to be done and/or a detailed scope of work along with preliminary cost estimates. **Color samples of all final paint selections and/or final fabric or sign material selections must be included with the application to be reviewed by City staff.** Obtain itemized written work estimates on all project work from contractors or project architects. Self-contracted work will be reimbursed for actual legitimate expenses, excluding labor.
4. **Return the completed application form** with all original itemized work estimates, color samples, drawings, photos of existing façade, and example sign material of the proposed work to the Terrell Municipal Development Department office.



TYPICAL ARCHITECTURAL FEATURES OF THE CBD

5. *The approval process will include without limitation the following:*

- a) All façade & sign projects must meet current building standards and codes, building permit requirements, as well as the CBD District requirements of the Zoning Ordinance.
- b) Terrell City Council approval process is as follows: After staff has reviewed the application for technical feasibility and compliance with guidelines and applicable codes and has determined that the application is eligible for participation in the program and funds are available the application will be placed on the next available Council agenda. Only applications passing technical review by staff will proceed to this step. Applicants must attend and present their project at the City Council meeting which considers the request. **Failure to attend the City Council meeting when required may be cause for rejection of the application.**
- c) Notwithstanding anything stated in this Application to the contrary, final approval for any application shall be vested in the Terrell City Council.
- d) The Terrell City Council shall consider only Applications which have been properly and fully completed and which contain all information required in the Application or requested by City staff or the Terrell City Council. Only one project will be considered by the City Council at a time to move to implementation.
- e) Applicants receiving approval of their project will sign a contract with the City giving them permission to proceed with the design phase, as needed, including assistance in the design or engineering from the City.
- f) Once plans are approved and building permits issued (no fees will be charged for permits), owner acquires contractor and performs all work within 90 days (owners will be provided a list of qualified local contractors from the Chamber of Commerce). After final inspections are performed by the City Building Inspector and the work is satisfactory, then the applicant submits for reimbursement of up to 50% of the project costs not to exceed \$5,000.
- g) All construction bids submitted by an Applicant must be current and must be dated no earlier than ninety (90) days prior to the Application request. Bids shall be submitted on the contractor's or project architect's letterhead and shall contain the contractors name, address, telephone number and shall itemize the bid in a manner that allows the Terrell City Council to determine the bid components and authenticity of the bid.
- h) An Applicant who submits an Application that was denied by the Terrell City Council shall not be eligible to re-submit an application for six (6) months from the date the prior Application was declined by the Terrell City Council.
- i) Applicants receiving approval by the Terrell City Council shall **commence construction described within the Application within thirty (30) days from the date the project was approved by the City Council and shall complete the project within ninety (90) days of commencement.** If the Applicant is unable to commence construction within thirty (30) days from the date the project is approved or complete construction within ninety (90) days from the time the project was started, the Applicant may submit a written request and verbal

presentation for an extension for the commencement date or completion date provided the extension request is made prior to the expiration of the ninety (90) day time limit. The Terrell City Council shall not be obligated to allow extensions but may do so for good cause determined solely by the Terrell City Council. The extensions, if granted, shall be for the term and for the conditions determined exclusively by the Terrell City Council. An extension denial cannot be appealed and shall be final with the Terrell City Council.

- j) Applicants requiring assistance with professional design or engineering services will be provided those services only after the City Council has approved the project for reimbursement. Additional time shall be allotted to commence work to allow for the professional consultants to submit appropriate plans in support of the building permit applications prior to issuance of permits.
- k) As a condition of this Application and in consideration of the opportunity to apply for CBD Façade Improvement Program, the applicant shall obtain a structural inspection of work completed, as part of the program performed, by a city inspector. The reimbursement, if awarded, shall not be used for construction to any building that is not in compliance with the City Municipal Codes and Ordinances which are applicable to the construction contemplated in the application. The applicant shall be responsible for any additional costs incurred as a result of an inspection.
- l) The Applicant, by submission of this Application, represents the construction described within the Application shall be used in a building which is in compliance with all codes and ordinances.
- m) The Terrell City Council shall have sole discretion in awarding reimbursements. The Terrell City Council shall award reimbursements considering the amount requested, program funds available, the CBD Façade Improvement Program rules, condition of the building in which the program funds will be used, effectiveness of the construction, other competing project requests, the type and nature of the construction, and the evaluation of the greatest public benefit each proposed project will bring to the CBD Façade Improvement Program.
- n) No Applicant has a proprietary right to receive CBD Façade Improvement Program funds. A signed contract for the project is required in all cases prior to commencement of any work related to the project. The Terrell City Council shall consider any Application within its discretionary authority to determine what reimbursement amount would be in the best interest of the program. The review criteria may include, but shall not be limited to, compatible architectural design, streetscape objectives, overall redevelopment of the downtown area, and historical property.
- o) The Applicant shall be required to furnish 'before' photographs of the building's exterior facade, roof, and signage, if relevant to the Application request, and also 'after photos' the construction is completed, as a condition of final program reimbursement.
- p) The Applicant is required to obtain all applicable City permits (no fees will be charged) and City approvals required for the construction if the application is approved for participation in the CBD Façade Improvement Program.

- q) No Applicant, nor Applicant's agent, representative or tenant shall be entitled to receive CBD Façade Improvement Program approval on the same property address if requested within the **same fiscal year** that a previous reimbursement was awarded by the Terrell City Council.
 - r) The City Council reserves the right to modify, adjust or terminate the program at any time. Continuation of the program after each completed project is at the sole discretion of the City Council.
6. **Reimbursement:** When the entire project has been satisfactorily completed and reviewed, the applicant shall present the City of Terrell Staff with copies of all paid invoices, including copies of cancelled checks and/or credit card receipts, as well as an after photo of the completed project for a single payment reimbursement of the approved funding.
7. **Tax Abatement:** The calendar year in which the building owner completes a CBD Façade Improvement Program project will become the baseline for the tax abatement consideration. During the three (3) years following completion of the project any increase in the City's portion of the ad valorem taxes will be abated to the owner.

TERRELL CBD FAÇADE IMPROVEMENT PROGRAM

ELIGIBLE & INELIGIBLE PROJECTS -

Eligible Improvements:

- Façade Facelift: painting, trim work, cladding
- Facade additions and enhancements if in accordance with the CBD District zoning regulations and are in character with the building's architectural character and period.
- New or enhanced signage and/or awnings
- Exterior lighting
- Repair or replacement of existing architectural details, deteriorated woodwork, including doors, windows, gutters and downspouts, soffits, masonry façade and trim work
- Murals
- Structural work that will facilitate the long-term commercial viability of the building

Ineligible Improvements:

- Temporary Improvements.
- New buildings or new building additions other than exterior additions such as period architectural features and entry features.
- Hardscape improvements: sidewalk pavers, concrete off-street parking, wrought iron handrails visible to the public, and lamp posts.
- Permanent Statues
- Plantings or Landscaping (Must have Maintenance Agreement)
- Outdoor furnishings, unless permanently affixed to the building
- Repairs or restorations paid for by an insurance claim or eligible for insurance reimbursements.
- Work completed prior to the approval of the project by City Council and executed contract by the City of Terrell.

Additional Conditions:

- Buildings with burglar bars on the front facade, boarded up or broken windows, dilapidated signs, etc. will not be eligible for reimbursement unless the bars are removed and windows and signs are repaired as part of the project.
- Addresses with outstanding code violations, taxes or other liens or judgments will not be eligible to apply for a Facade Improvement Program until the issues are resolved.

TERRELL CBD FAÇADE IMPROVEMENT PROGRAM

APPLICATION DEADLINE: Thirty days prior to the Council Agenda posting deadline.

PROGRAM PROCESS CHECKLIST:

Date Submitted: _____

Use this form as a cover sheet and checklist to follow all steps needed to complete the CBD Façade Improvement Program application to receive approval. Please return completed with necessary attachments and signatures to the Terrell Municipal Development Department, 201 E. Nash Street, Terrell, Texas 75160. If you have any application questions, please contact Terry Capehart, Municipal Development Director at 972-551-6606 ext. 247.

- Meet with Municipal Development Director (972-551-6606 ext. 247) to determine eligibility and to walk through CBD Façade Improvement Program criteria and instructions.
- Completely fill out CBD Façade Improvement Program application form and sign agreement form. (Also include required attachments: color samples of all paint, signage, and fabric awnings, as well as the “before” photographs of the building’s façade.)
- Return completed application and agreement form with required attachments (**no later than 30 days prior to the scheduled City Council meeting**) to the Municipal Development Department to be added to the next Terrell City Council meeting agenda.
- Attend and present proposed project to the Terrell City Council for their approval. Receive design approval of proposed work listed on application. **Get approval signature of the Terrell City Council on last page of application form.**
- CBD Façade Improvement Program project construction may commence immediately after signed contract with City. Work on the building must commence within **90 days of approval** from Terrell City Council and be completed within **one year**.
- Display the CBD Façade Improvement Program sign in your storefront windows or in a visible location in your building during the construction phase of the project.
- Upon completion of CBD Façade Improvement Program project, furnish “after” photographs of the building’s facade, or other improvements as applicable; copies of all paid invoices, including copies of cancelled checks and/or credit card receipts, to receive a single payment reimbursement of the approved funding.

TERRELLCBD FAÇADE IMPROVEMENT PROGRAM APPLICATION

Please return completed with necessary attachments and signatures to Terrell Municipal Development Department office, 201 E. Nash St., Terrell, TX. 75160. If you have any application questions, please contact Terry Capehart, Municipal Development Director at 972-551-6606 ext. 247.

Applicant Name: _____

Business Name: _____

Mailing Address: _____

Contact Phone No.: _____

Email Address: _____

Building Owner *(if different from applicant)*: _____

Historical/Current Building Name (if any): _____

Project Physical Address: _____

Type of Work: *(check all that apply)*

Sign - Paint - Masonry cleaning/paint removal - Awning/Canopy - Replace windows

Other: _____

Details of Planned Improvements for CBD Façade Improvement Program:

(attach drawings or use additional paper if necessary)

List Contractor/Project architect Proposals and Total Amounts *(attach original proposals)*:

- 1.
- 2.
- 3.