

RESOLUTION NO. 811

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, MODIFYING THE TERRELL CENTRAL BUSINESS DISTRICT FAÇADE 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 Façade Improvement incentives shall be made in accordance with written Development Agreements approved by the governing body; and

WHEREAS, the Terrell City Council passed Resolution 760 on March 4, 2014, and has successfully implemented a series of improvement projects in the Central Business District; and

WHEREAS, the Terrell City Council passed Resolution 776 on October 7, 2014 updating the program requirements; and

WHEREAS, the Terrell City Council finds that the modified policy for the Terrell Central Business District Façade 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 Façade Improvement 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 as Exhibit "A". The Terrell City Council shall have considered and approved each Development Agreement prior to its execution by the City Manager or his designee.

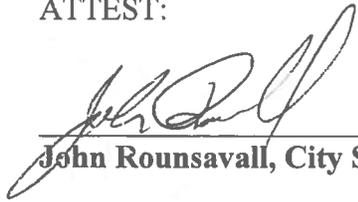
Section 3. That this Resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED by the City Council of the City of Terrell, Texas, on this the 1st day of March, 2016.



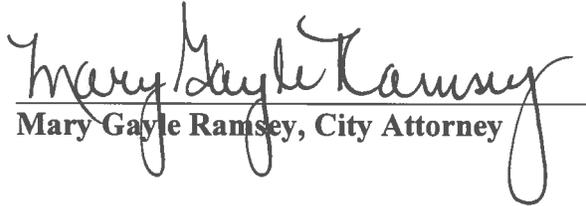
Hal Richards, Mayor

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 front facades on Highway U.S. 80 (Moore Ave.) between Hattie and Gardner Streets, south of High Street and north of Cottage Street. As an economic incentive, the Terrell City Council has adopted the following façade improvement program for the historic Central Business District.



Benefits to Owners:

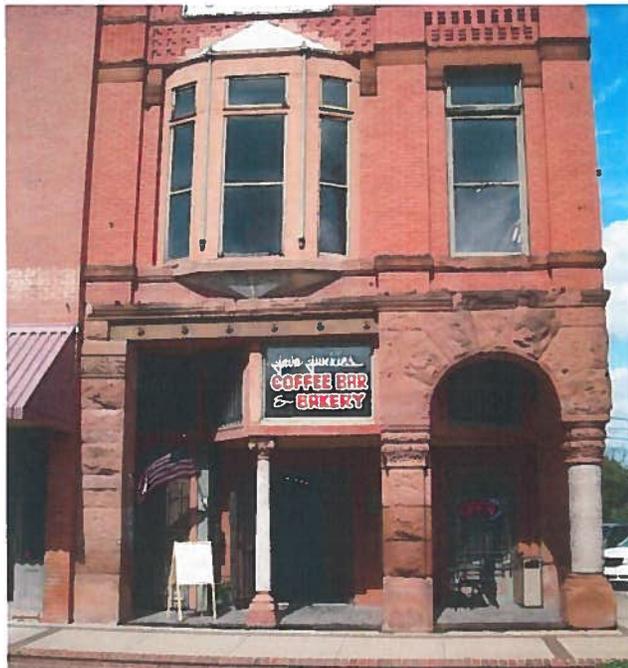
- Assistance for professional services to help design/engineer façade improvements will be available on an as needed basis.
- 50% reimbursement (up to \$5,000) of construction costs; starting with reimbursements after October 1, 2016; 50% reimbursement of construction costs up to \$5,000 per floor and per building side.
- Waiver of any/all related city permit fees.
- Up to three (3) years of reimbursement or abatement of any increase in city only ad valorem taxes attributable to the façade improvement.

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.

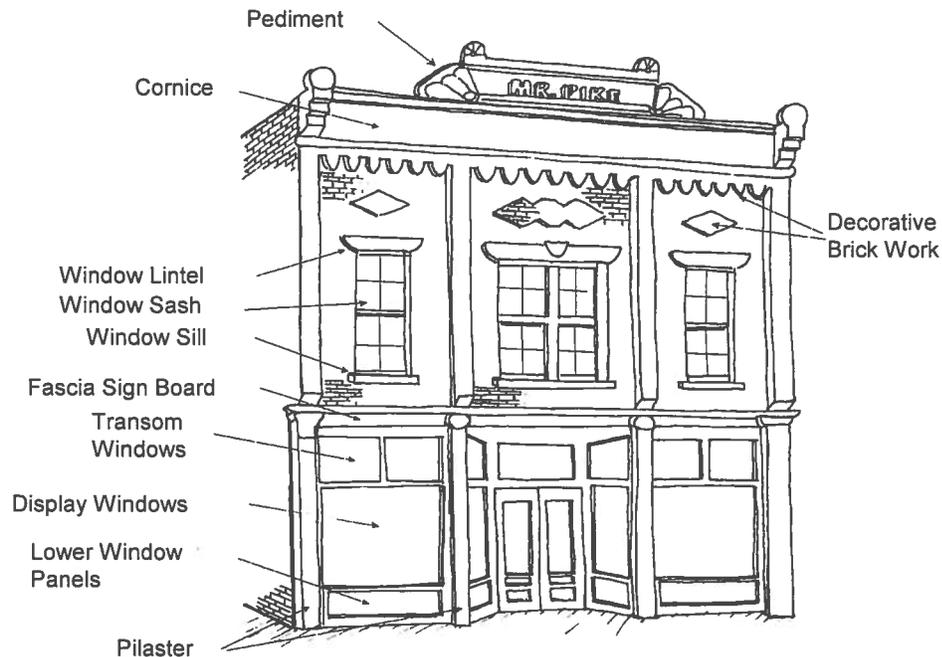
Façade reimbursements are available on a 50/50 matching basis with a cap of \$5,000 per building side and per floor. Façade improvement funds focus on exterior work on storefronts that are visible to the traveling public, including permanent signboards, projecting signs, pedestrian signage and attached signs on the front façade. 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 served 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 Hattie and Gardner Streets and between High and Cottage Streets.
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. This program is to enhance the historic character of the CBD, so projects must be designed as such.
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 per building side, per story.
- 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 ninety (90) days from the date the project was approved by the City Council and shall complete the project within one hundred eighty (180) days of commencement.** If the Applicant is unable to commence construction within ninety (90) days from the date the project is approved, the Applicant may submit a written request for an extension for the commencement 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 façade, 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.

5. **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.
6. **Tax reimbursement or abatement:** The calendar year in which the building owner completes a CBD Façade Improvement Program project will become the baseline for the property tax 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 eligible, pending proof of increase, verification of tax status, and receipt of written request from Applicant.

TERRELL CBD FAÇADE IMPROVEMENT PROGRAM

ELIGIBLE & INELIGIBLE PROJECTS -

Eligible Improvements:

- Façade Facelift: painting, trim work, cladding
- Façade 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
- Hardscape improvements: sidewalk pavers, concrete off-street parking, wrought iron handrails visible to the public, and lamp posts

Ineligible Improvements:

- Temporary Improvements
- New buildings or new building additions, other than exterior additions such as period architectural features, entry features, and murals
- 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, unless the City/Developer Agreement is limited to the deductible portion of the project cost
- 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 façade, 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 Façade 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 complete and return 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 the Director of Municipal Development Services at 972-551-6600.

- Meet with staff 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 application 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 the Director of Municipal Development Services at 972-551-6600.

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.

TOTAL COST OF PROPOSED PROJECT: _____

**AMOUNT OF CBD FAÇADE IMPROVEMENT PROGRAM RIEMBURSEMENT
REQUESTED:** _____

*Attach with all required color samples of paint, materials, and sign design, etc., as well
as photographs of building's current exterior façade.*

Applicant's Signature

Date

Terrell City Council Review:

Meeting Date: _____

Approved: _____

Rejected: _____

TERRELL CBD FAÇADE IMPROVEMENT PROGRAM AGREEMENT FORM

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 the Director of Municipal Development Services at 972-551-6600.

I have met with the Terrell Municipal Development Staff and I fully understand the CBD Façade Improvement Program Procedures and Details established by the Terrell City Council. I intend to use this program for the aforementioned renovation projects to forward the efforts of revitalizing the City of Terrell. I have not received, nor will I receive insurance monies for this revitalization project.

I have read and understand the CBD Façade Improvement Program Application Instructions & Process Requirements.

(Initial)

I understand that approval of this reimbursement request in no way constitutes approval for a building permit and I must contact the City of Terrell to obtain all necessary permits and approvals from the City of Terrell BEFORE commencing work on my building. Further, I understand that if I am awarded approval for a CBD Façade Improvement Program Project by the Terrell City Council, any deviation from the approved project may result in the partial or total withdrawal of the CBD Façade Improvement Program Reimbursement.

Business/Organization Name

Applicant's Signature

Date

Building Owner's Signature (if different from applicant)

Date

Terrell City Manager's Signature

Date

CBD Façade Improvement Program Tips

- * Demand quality.
- * Free assistance in selecting paint and color schemes for building façades is available from the Municipal Development Department.
- * Do not sandblast.
- * Do not paint too often; many times a building only needs washing.
- * Retain a sense of continuity by carrying exterior building design themes inside the structure.
- * Do not use aluminum siding.
- * Fabric awnings (if made of durable materials) are an attractive and energy efficient addition to the front of buildings. Free assistance in selecting appropriate colors is available from the Municipal Development Department.
- * When repairing a building, do not cut expenses on the roof or the foundation. Repairs to common walls may require coordination with adjacent owners.
- * Where mortar is missing or in poor repair, moisture will enter the walls and eventually may cause structural damage.
- * Be aware of areas on the roof and at parapet walls where water does not readily drain. Flashing should be installed at intersections to prevent leakage.
- * Carefully locate air conditioning units to avoid having water condensation run down the sides of buildings.
- * Carefully examine old buildings for termites, wood rot and general deterioration.
- * Before rehabilitating a building façade, take a careful look at the structural aspects of the building. Develop a design that is compatible to it and neighboring buildings.
- * Additions made to old buildings should blend harmoniously with the existing structure.
- * Architectural details, such as recessed entries, old doors, and trim work, add to the character of a building and its resale value.
- * Pressed metal is still being manufactured today with the same dies; deteriorated metal, therefore, can be replaced exactly.
- * Wood windows are easy and inexpensive to repair. Also, matching, custom-made windows can be ordered for replacement in old buildings.
- * The top brick cornices that project above the roof deteriorate rapidly unless they are capped with metal, terracotta, stone, or concrete.
- * Rehabilitation of buildings listed on the National or State Register of Historic Places should be done in accordance with the National Park Service or Texas Historical Commission standards for Rehabilitation.