

**Introduced by: Council Present**

**AN ORDINANCE AMENDING CHAPTER 400, CREATING A NEW ARTICLE XIV, ECONOMIC DEVELOPMENT IMPROVEMENT AND REGULATIONS FOR THE COMMERCIAL FAÇADE IMPROVEMENT GRANT PROGRAM IN THE CITY OF BERKELEY MISSOURI**

**WHEREAS**, the City of Berkeley desires to provide financial assistance to encourage property owners and tenants of commercial properties to restore or improve the appearance of their buildings as well as to help property owners and tenants of the City of Berkeley and contributing structures restore, preserve, rehabilitate and maintain the city’s commercial properties and resources.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:**

**Section 1.     Section 400.1110**

There is hereby created a Commercial Façade Improvement Grant Program for the City of Berkeley to be administered by the City’s Economic Development Coordinator according to procedures (**EXHIBIT A**) established by the City Plan Commission on December 12, 2018. The program shall provide that successful applicants may be reimbursed for 50 percent of the cost of eligible façade improvements, up to a maximum of \$10,000.00 per project, every five years.

**Section 2.     Section 400.1120**

Applicants shall complete all requirements in the guidelines; and shall be reviewed through the Economic Development Commission (ED) and forwarded to the City Council for final approval. The Economic Development Coordinator shall submit completed applications (**EXHIBIT B**) to the City Council with its recommendations from ED regarding eligible improvements and funding. The City Council shall make the final decision approving or disapproving an application.

**Section 3.     Section 400.1130**

An applicant whose grant is approved shall enter into an agreement with the City by ordinance setting out the details of the grant award.

**Section 4.     Section 400.1140**

This Commercial Façade Improvement Program guidelines, (**EXHIBIT A**), supersedes any other façade improvement program that may have been previously discussed.

**Section 5.     Section 400.1150 Effective Date**

This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

**Section 6.**     That all ordinance and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

1st Reading, this 07<sup>th</sup> day of January 2019

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2019

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2019

\_\_\_\_\_  
Theodore Hoskins, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Vacant	Aye ___	Nay ___	Absent ___	Abstain ___



**“EXHIBIT A”**

**CITY OF BERKELEY**

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## **Commercial Façade Improvement Grant Program Application Packet**

***Economic Development Coordinator Office***  
***8425 Airport Road – Telephone 314-524-3313 – Fax 314-400-3709***



**CITY OF BERKELEY**  
**Commercial Façade Improvement Grant Program**

**As of February 1, 2019**

**Purpose**

The City of Berkeley recognizes the positive impact that individual facade improvements can have on the overall appearance, quality and vitality of the City's commercial districts. The Commercial Façade Improvement Grant Program was created to facilitate the private sector in making these desired exterior improvements. The City Council reserves the sole right to amend, modify, add, or delete any part or subpart of this program.

**Assistance Available**

Approved projects are eligible to receive reimbursement after project completion in the form of a matching grant of up to 50 percent of the actual improvement costs up to a maximum grant of \$10,000. The city will approve phase payments for completed projects, approved by the City.

**Eligibility Requirements**

Existing structures currently zoned commercial and in current commercial use or planned for commercial use within the corporate limits of the City of Berkeley are eligible for the grant. The exterior of the property must meet all City of Berkeley Codes and Ordinances relating to code violations, abatement, property maintenance, signs, and zoning. In the event that an exterior violation exists that is not funded in the program must be corrected made prior to disbursement of grant monies.

Eligible applicants include the owner of a commercial *building* or the owner of a commercial *business*. All applications must be signed by the property owner to indicate consent for the proposed improvements.

All grant recipients are required to publicly display the City of Berkeley *Grant Award Certificate* in a conspicuous location in the building for a period of one year from the date grant funds are dispersed.

Financial assistance is available to business owners or property owners, from \$1000.00 up to \$10,000 every 5 years, per building or business.

The determination of eligibility and priority for assistance is at the discretion of the City Council and is subject to funds availability.

**Eligible Improvements**

The primary goal of the City of Berkeley Commercial Façade Improvement Grant Program is to achieve significant visual improvements in commercial facade appearance. Improvements that otherwise would be substantially difficult to undertake "*but for*" the grant assistance may be looked at more favorably. The determination of eligibility and priority for assistance is at the discretion of the City Council.

Work which qualifies for assistance includes improvements to the exterior of a building which are visible from the public right-of-way. Applicant's project must be at least \$1,000 of material improvements (excluding installation) to qualify. *For example, the cost of the windows must be at least \$1000 without the cost installation added into the project.* Work must be completed within six months of receiving the grant award. The list of qualifying exterior improvements appears below.

## Eligible Uses

- Significant Facade repair and treatment
- New window systems or frame replacement and repair (excluding broken glass)
- Exterior Doors
- Awnings (without signage)
- Exterior lighting
- Restoration of original architectural features
- Exterior building materials for building additions
- Other permanent exterior improvements to property consistent with the architectural integrity of the building and the City's *Architectural Review Code, Section 500.180*

## Ineligible Uses

- Working capital
- Property acquisition
- Equipment or inventory acquisition
- Refinancing of existing debt or private funding
- Interior remodeling or renovations
- Sprinkler systems
- Resurfacing of parking lots
- Replacement of private sidewalks
- Architectural design fees or other plan preparation costs
- Building permits and related costs
- Signage of any kind
- Landscaping of any kind

## Ineligible Businesses

- Projects located on illegally obtained or used property per the City's Zoning Ordinance or any use not approved by the City's Planning Commission or Board of Adjustment.
  - Any faith-based organization whose building(s) are used for religious activities such as worship, religious instruction or weekly services
  - Any site, building or use that does not meet eligibility criteria

The City of Berkeley is *not* obligated to reimburse any approved application for reimbursement after one year from the date of the original approval of the grant application or exterior appearance, whichever date is later. Written requests for time extensions can be considered by the Economic Development Coordinator.

## Compliance

- Applicants must be current on real property taxes at the time of submission or will be disqualified.
- Applicants are responsible for obtaining all necessary local, state and/or federal permits.
- All façade improvements must follow all program guidelines, the local Zoning Ordinance, Sign Ordinance, Building Codes and other codes, and any other local, state and federal laws and ordinances.
- Property must be free of Berkeley liens
- Applicants/business with open/pending bankruptcy will not be considered for the grant.

## **Design Evaluation**

Design evaluation and approval will be handled by the City of Berkeley Public Works Director or designee. This process may require the applicant to undergo exterior appearance review and site inspection by Berkeley Inspector before the application is presented to the ED Commission.

## **Application Requirements**

### **Required Submittals *with* Application:**

1. Current digital photos of all building facades visible from the public right of way which will receive improvements
2. A schematic drawing with enough detail to depict the proposed improvements
3. Signed vendor contract(s) with detailed costs for each proposed improvement (excluding ineligible portions of improvements, e.g. lettering on awnings)
4. Consent from the building owner for proposed improvements, by signature on the attached form
5. Completed IRS Form W-9 Request for Taxpayer Identification Number and Certification
6. Projected sales tax\* and/or property tax for the three years following the completion of the improvements covered by the grant.
7. A narrative as outlined below:
  - a. Description of proposed façade work including information about the proposed building materials and methodology for proposed changes.
  - b. Description of your business and the related industry.
  - c. Features and advantages of your product and how improvements sought will improve the business and/or City.
  - d. Credentials and experience of business owner.
  - e. Any unusual or expected difficulties or hardships in making the proposed improvements.

*\*Please note that if you are awarded a grant, you must submit actual sales tax receipts for the three consecutive years following the completion of the improvements shall be provided to the City with reimbursement certification.*

## **Application and Approval Process**

Submission and approval of a complete grant application is required prior to the completion of any improvements eligible for assistance. The review process will normally take approximately 4-6 weeks. The applicant must secure any required City permits and exterior appearance approval by the ED Commission and the City Council (if required) prior to starting improvements. The application process is outlined below:

1. Contact the Economic Development Coordinator for program information and to determine project eligibility.
2. Submit a grant application including all required submittals to the Economic Development Coordinator for funding assistance.
3. The Economic Development Coordinator through the ED Commission will make a recommendation for approval, partial approval or denial to the City Council. City staff will attempt to review applications within 2- weeks of submittal.

4. Application is considered by the City Council Applicant's attendance is required at the City Council meeting as part of the application review process. The City Council typically meets the 1<sup>st</sup> and 3<sup>rd</sup> Monday evenings of every month.
5. Proposed improvements must be completed, and the business must be operational within six-months of grant approval by the City Council.

**Reimbursement Process**

1. Once work is completed, the applicant submits copies of paid invoices from all contractors, proof of payment (copies of canceled checks or credit card receipts), a signed Reimbursement Request Certification (see attached form), a signed and notarized Affidavit for Reimbursement (see attached form), and photos of all improved façades to the Economic Development Department.
2. The Economic Development Coordinator reviews the completed project to ensure that work was performed as outlined in application and in conformance with the City adopted Codes.
3. Check is distributed.

**Pay Back Provision**

The following pay back schedule shall apply if a business closes or moves out of Berkeley within 5 years of being awarded a City grant.

Out of Business	< 1-2 year	2-3 years	3-5 years
% of Grant Repaid to the City	75%	50%	25%

The applicant agrees to this provision when s/he signs the Reimbursement Request Certification and the Application Certification.

**CITY OF BERKELEY  
Commercial Façade Improvement Grant Application**

**REQUIRED SUBMITTALS WITH APPLICATION:**

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  - d. Credentials and experience of business owner.
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*\*Please note that if you are awarded a grant, you must submit actual sales tax receipts for the three consecutive years following the completion of the improvements shall be provided to the City with reimbursement certification.*

**BUSINESS OWNER INFORMATION**

Business Owner Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

If tenant, what is the expiration date of your current lease? \_\_\_\_\_

If buyer under contract or tenant, who is the property owner?

Property Owner Name: \_\_\_\_\_



Property Owner Address: \_\_\_\_\_

Property Owner Phone: \_\_\_\_\_

Property Owner Fax: \_\_\_\_\_

Property Owner E-mail: \_\_\_\_\_

**DESCRIPTION OF PROPOSED IMPROVEMENTS**

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**ITEMIZED ACTIVITY DESCRIPTION**

**COST**

<b>ITEMIZED ACTIVITY DESCRIPTION</b>	<b>COST</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____


**TOTAL PROJECT COST:** \_\_\_\_\_

**AMOUNT OF GRANT ASSISTANCE REQUESTED:** \_\_\_\_\_

**APPLICATION CERTIFICATION**

I, the undersigned, certify that I have read the program description and requirements for the City of Berkeley Façade Improvement Grant Program. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that the improvements described in this application must receive all required permit approvals from the City of Berkeley prior to the commencement of construction.

Furthermore, I, the undersigned, my successors and assigns, hereby agree to save and hold harmless the City of Berkeley and any of its employees, officers and directors from all cost, injury and damage to any person or property whatsoever, any of which is caused by an activity, condition or event arising out of the performance, preparation for performance or nonperformance of any project improvement included in my grant application. The above cost, injury, damage or other injury or damage incurred by or to any of the above shall include, in the event of an action, court costs, expenses of litigation and reasonable attorneys' fees. I understand that if my business closes or moves out of the City of Berkeley within 5 years I will be required to repay the City in an amount as described on page 4 of the grant packet guidelines.

\_\_\_\_\_  
Applicant Name (PRINT)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

**CONSENT FROM PROPERTY OWNER (Required if different from Applicant)**

\_\_\_\_\_  
Property Owner Name (PRINT)

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\*\*\*\*\*Office Use Only\*\*\*\*\*

Application is: \_\_\_\_\_Approved

\_\_\_\_\_Denied

\_\_\_\_\_  
Finance Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Economic Development Coordinator

\_\_\_\_\_  
Date

**CITY OF BERKELEY**  
**Commercial Façade Improvement Grant Program**  
**Reimbursement Request Certification**

**SUBMITTAL FOR REIMBURSEMENT**

Please submit the following information to the Economic Development Coordinator's office once approved work is complete for grant payment:

- This signed Reimbursement Request Certification
- Copies of invoices stamped "PAID" from all contractors, companies, individuals
- Proof of payment (limited to copies of canceled checks and/or credit card receipts)
- Digital Photos of all building facades visible from the public right-of-way. A signed and notarized Applicant's Affidavit for Reimbursement form provided by the City of Berkeley
- Applicant's Affidavit for Reimbursement (Attached)

**CERTIFICATION**

I, the undersigned, warrant that all representations of the application submitted under the program are true and accurate and that there has been no material change which would in itself or cumulatively with other events impair the profitable functioning of my business operation. All agreements, warranties and representations made to the City of Berkeley are true at the time they were made and shall remain true at the time of submittal for reimbursement under the program. I will display the City of Berkeley Grant Certification in public at my business/property for one year. I understand that if my business closes or moves out of the City of Berkeley within 3 years I will be required to repay the City in an amount as described on page 3 of the grant packet. The City of Berkeley may in its sole option cancel its assistance commitment either in whole or in part for failure to comply with the requirements of this grant program or applicable City Codes and Regulations.

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Applicant Name (PRINT)

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Applicant Signature

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Date

**APPLICANT'S AFFIDAVIT FOR REIMBURSEMENT**

STATE OF MISSOURI     )  
  ) SS COUNTY  
OF SAINT LOUIS)

TO:   The City of Berkeley

The undersigned, \_\_\_\_\_(Name) being duly sworn, deposes and says that he or she is the Owner/Tenant (circle one) of the property located at \_\_\_\_\_(the "Premises") and has applied for a façade improvement grant from the City of Berkeley for \_\_\_\_\_(the "Work.").

The total amount of the grant approved is \$ \_\_\_\_\_toward which I, as Owner/Tenant (circle one), have as of this date paid \$ \_\_\_\_\_. I hereby attest that I have not received any other funds from a third party to pay for the Work which is paid for by this grant.

The attached proof of payment is true, correct, and genuine, and delivered unconditionally and the work set forth in said proof of payment has been completed and/or the materials set forth in the attached proof of payment has been used in connection with the Work in the Premises.

Upon payment of \$ \_\_\_\_\_from the City of Berkeley, there shall be nothing due or to become due from the City of Berkeley in connection with the disbursement of the approved grant amount from the City of Berkeley based on the documentation submitted to the City of Berkeley for the Work set forth in said proof of payment.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN to  
before me this \_\_\_\_\_day of  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public