



**Cleveland Economic Development Corporation
Business Improvement Grant (B.I.G.) Program
Guidelines and Criteria**

Section 1.

Introduction and Goals

This program is a matching, reimbursement-based grant program of the Cleveland Economic Development Corporation (“EDC”) that reimburses commercial property owners or business operators for Eligible Improvements made to the Property. Grants available under this program are reimbursable for an amount up to 50 percent of the total expenses for Eligible Improvements, with a maximum reimbursement not to exceed the participation limitations set forth in Sec.3.3. The goals of this Policy are to:

- 1.1. Enhance the commercial viability and sustainability of commercial properties in the City of Cleveland (“City”);
- 1.2. Improve the physical appearance of businesses and visibly enhance the City’s commercial corridors;
- 1.3. Spur redevelopment and revitalization of the Central Business District and downtown area.
- 1.4. Aid in the retention and expansion of existing businesses;
- 1.5. Increase the taxable value of commercial properties in the City;
- 1.6. Increase the marketability and occupancy rate of commercial buildings hindered by an outdated appearance;
- 1.7. Increase the safety of a commercial area and stimulate more public interaction; and
- 1.8. Provide incentives in areas and to businesses most likely to stimulate similar improvements by other private entities.

Section 2.

Program Eligibility

2.1. The following Properties and Businesses are eligible to receive grants contemplated under this Program:

(A) Properties: Only properties meeting the following requirements at the time an Application is submitted shall be eligible to receive grants as outlined by this Policy:

- I. Within the Program Area: Property must be located within the Business Improvement Grant Program Area as depicted on the map shown in the Appendix incorporated herein for reference.
- II. Non-Residentially Zoned: Property must be zoned for uses other than residential uses and the current use of the Property may not be residential.
- III. Tax-Paying Entity and Indebtedness: Property must be subject to the City’s Ad Valorem property tax and must not be delinquent. The Property or Property Owner shall not be indebted to the City.
- IV. City Liens: Property shall not be subject to any liens held by the City.
- V. Ownership: Property owner(s) must provide sufficient proof of ownership.
- VI. Code Violations: Property must not be in violation of any provision of the Code of Ordinances of the City of Cleveland, Texas.
- VII. Frequency: Property must not have received a grant within a twelve-month period.

(B) Businesses: Only businesses meeting the following requirements shall be eligible to receive benefits outlined by this Policy:

- I. Tax-Paying Entity and Indebtedness: The Business must be a tax-paying entity and must not be delinquent. The Business or the Business Owner/Operator shall not be indebted to

the City.

- II. Property Owner Approval: The businesses, if not the Owner of the Property to be occupied, must provide a copy of its lease agreement and support of the Application from the Property Owner prior to the EDC's acceptance of the Application.

Section 3.

Types and Amounts of Grants

The following are to be considered as intent for the types and amounts of grants contemplated under this Program:

- Improvements should be compatible with the character and architecture of the individual building and those in proximity;
- To the best of their ability, Improvements may act as a catalyst to create a unique environment;
- Improvements should make the Property more inviting to the public; and
- Improvements should be functional as well as visually appealing.

3.1. Tier 1 (Downtown Program Area)

(A) FAÇADE IMPROVEMENT

The following are Eligible Improvements, except as noted otherwise:

- I. Façade Materials: Replacing deteriorated or unsafe façade materials with brick, stone, tile, wood, or siding meeting the City's architectural standards. Removal of "slip" coverings of prior façade materials and re-establishment of historic façade details. Repointing of mortared joints, replacement or repair of damaged masonry, and incorporating masonry material where it did not exist previously.
- II. Repainting: Scraping, priming and otherwise preparing the surface and repainting an existing building.
- III. Window/Doors: Replacement of or improvements to existing windows or doors that are visible from a public street. New windows and doors matching replaced windows or doors. Replacement of broken glass panes.
- IV. Awnings/Canopies: Replacement of or improvements to existing awnings or canopies. New awnings or canopies.
- V. Historical Restoration: Restoration of architectural details of historic significance and/or removal of elements covering such details.
- VI. Roof Repair: Replacement or repair of all or portions of the roof.
- VII. Gutters and Downspouts: Replacement or repair of existing gutters and/or downspouts.
- VIII. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: burglar bars, painting or otherwise improving the materials of a newly constructed building.
- IX. Masonry Materials: Masonry Material shall mean and include brick, stone, decorative concrete masonry unit, or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. Under this definition, stone shall include naturally occurring granite, marble, limestone, slate, river rock, and other similar durable all-weather stone that is customarily used in exterior building construction; shall include cast or manufactured stone products so long as such has a highly texturized stone-like appearance, is unpainted upon, and is demonstrated to be durable and maintenance free; such shall be no less than three and five-eighths inches in thickness when applied as a veneer.

The Grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$25,000.

(B) SIGN IMPROVEMENT

The following are Eligible Improvements, except as noted otherwise:

- I. New signs: Installation of new signage that will meet the requirements of the City's adopted Sign Ordinance, excluding those exceptions listed in Sec. 2-2.1(B)(V) herein.
- II. Renovation: Renovation of existing signage that will meet the requirements of the City's adopted Sign Ordinance, excluding those exceptions listed in Sec. 2-2.1(B)(V) herein.
- III. Removal: Removal of existing signs.
- IV. Sign Lighting: Addition of lighting to illuminate a non- backlit sign.
- V. Ineligible Improvements: Though not an all-inclusive list, the following are specifically not eligible: window signs, spectacular signs, electronic-reader boards, temporary banners, yard signs, political signs, real estate/leasing signs, or pylon/pole signs, or billboards.

The Grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$5,000.

(C) PROPERTY IMPROVEMENT

The following are Eligible Improvements, except as noted otherwise:

Pedestrian Amenities

- I. Paving: Paving of a unique nature in areas that allow customers to congregate.
- II. Seating Areas: Provisions for seating in areas where customers may congregate before, during or after supporting the business.
- III. Shade: Provisions for shading pedestrian areas to include permanent or temporary canopies, awnings, shade sails or similar shade structures.
- IV. Trash Receptacles: Trash receptacles establishing or matching a design theme utilized throughout the pedestrian areas.
- V. Placemaking Elements: Recreational equipment, play structures, or playful passive elements/features intended for the entertainment of visitors when placed on private property in close proximity to the primary building.

Lighting

- VI. Pedestrian: Increases lighting in pedestrian areas on or adjacent to the Property, e.g. sidewalks, parking lots.
- VII. Accent: Lighting that accentuates exterior features of the building or Property creating a pleasant ambience on the Property.
- VIII. Ineligible: Flood lights or lighting improvements that pollute any measurable light (foot-candles) onto any neighboring properties. Lighting improvements eligible under this section may require submittal of a photometric analysis to assess potential light pollution levels.

Landscaping

- IX. Edging: Providing a perimeter to shrub beds with materials deemed to be of a long life, e.g. brick, stone, concrete, steel.
- X. Shrubs and Trees: Shrubs and/or trees of a variety that are sustainable in the area when combined with removal of existing shrubs and/or trees that are either overgrown or of poor quality. (An automatic irrigation system is required with this Improvement.)
- XI. Seasonal Color: Providing one-time planting of annual or perennial flowers in critical areas adequate to provide an appealing impact.
- XII. Irrigation: Automatic irrigation system complying with all code requirements. Preference is given to water conservation measures and approaches (e.g. drip irrigation).
- XIII. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: cost of landscape pruning, mowing and/or maintenance.

Parking/Driveways

- XIV. Reconstruction: Removal of existing pavement, gravel, curbing, drives, accessibility ramps, etc. and replacement with reconstruction meeting City requirements.
- XV. Resurfacing: Re-topping asphalt and/or concrete parking areas.
- XVI. Restriping: Repainting of parking stall stripes and/or fire lane graphics meeting the City's requirements.
- XVII. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: Installation, repair or replacement of any surface that is not an all-weather hard surface as required by the City's code of ordinances or design criteria manual.

The Grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$15,000.00

(D) CODE & LIFE SAFETY IMPROVEMENT

The following are Eligible Improvements, except as noted otherwise:

- I. Fire Suppression Systems: Replacement, upgrade, or installation of fire suppression systems in compliance with current codes.
- II. Compliance with the International Building Code (IBC): Replacement, upgrade, or installation of improvements needed to comply with the international building code.

The Grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$10,000.

3.2. Tier 2 (Non-Downtown Program Area)

(A) FAÇADE IMPROVEMENT

The following are Eligible Improvements, except as noted otherwise:

- I. Façade Materials: Replacing deteriorated or unsafe façade materials with brick, stone, tile, wood, or siding meeting the City's architectural standards. Removal of "slip" coverings of prior façade materials and re-establishment of historic façade details. Repointing of mortared joints, replacement or repair of damaged masonry, and incorporating masonry material where it did not exist previously.
- II. Repainting: Scraping, priming and otherwise preparing the surface and repainting an existing building.
- III. Window/Doors: Replacement of or improvements to existing windows or doors that are visible from a public street. New windows and doors matching replaced windows or doors. Replacement of broken glass panes.
- IV. Awnings/Canopies: Replacement of or improvements to existing awnings or canopies. New awnings or canopies.
- V. Historical Restoration: Restoration of architectural details of historic significance and/or removal of elements covering such details.
- VI. Roof Repair: Replacement or repair of all or portions of the roof.
- VII. Gutters and Downspouts: Replacement or repair of existing gutters and/or downspouts.
- VIII. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: burglar bars, painting or otherwise improving the materials of a newly constructed building.
- IX. Masonry Materials: Masonry Material shall mean and include brick, stone, decorative concrete masonry unit, or other materials of equal characteristics laid up unit upon unit set and bonded to one another in mortar. Under this definition, stone shall include naturally occurring granite, marble, limestone, slate, river rock, and other similar durable all-weather stone that is customarily used in exterior building construction; shall include cast or manufactured stone products so long as such has a highly texturized stone-like

appearance, is unpainted upon, and is demonstrated to be durable and maintenance free; such shall be no less than three and five-eighths inches in thickness when applied as a veneer.

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(B) SIGN IMPROVEMENT.

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- IV. Trash Receptacles: Trash receptacles establishing or matching a design theme utilized throughout the pedestrian areas.
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- VIII. Ineligible: Flood lights or lighting improvements that pollute any measurable light (foot-candles) onto any neighboring properties. Lighting improvements eligible under this section may require submittal of a photometric analysis to assess potential light pollution levels.

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- X. Shrubs and Trees: Shrubs and/or trees of a variety that are sustainable in the area when combined with removal of existing shrubs and/or trees that are either overgrown or of poor quality. (An automatic irrigation system is required with this Improvement.)

- XI. Seasonal Color: Providing one-time planting of annual or perennial flowers in critical areas adequate to provide an appealing impact.
- XII. Irrigation: Automatic irrigation system complying with all code requirements. Preference is given to water conservation measures and approaches (e.g. drip irrigation).
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Parking/Driveways

- XIV. Reconstruction: Removal of existing pavement, gravel, curbing, drives, accessibility ramps, etc. and replacement with reconstruction meeting City requirements.
- XV. Resurfacing: Re-topping asphalt and/or concrete parking areas.
- XVI. Restriping: Repainting of parking stall stripes and/or fire lane graphics meeting the City’s requirements.
- XVII. Ineligible: Though not an all-inclusive list, the following are specifically not eligible: Installation, repair or replacement of any surface that is not an all-weather hard surface as required by the City’s code of ordinances or design criteria manual.

The Grant amount shall be equal to 50% of the cost of such improvements, up to a maximum of \$10,000.

3.3. Participation Limitations.

- (A) The potential matching grant for each type of Improvement Grant, in either Tier, would be the lesser of the Maximum Percentage or Maximum Per Improvement Grant Amount within the respective Tier. The Applicant is responsible for the remaining costs of the Improvements and must complete the full scope of Improvements to be eligible for the matching grant.
 - I. Maximum Percentage: A Maximum Percentage of fifty percent (50%) shall be the maximum percentage of the total costs for any Improvements that the EDC will grant the Applicant.
- (B) Cumulative Maximum Grant. Notwithstanding the Maximum Percentage and Maximum Per Improvement Grant limitations concerning the location within the respective Tiers, no Property or Business may receive more than fifty-five thousand dollars (\$55,000) in matching grants during one 12-month period.
- (C) Ineligible for Reimbursement: The following activities and improvements are ineligible for reimbursement:
 - I. “Sweat Equity”: Labor from employees, officers, or owners of a business/property, and donations or in-kind contributions are not eligible for reimbursement.
 - II. Single Unit Improvements: Improvements to a single unit within a multi-tenant structure are not eligible for reimbursement for the Improvements Grants provided herein.
 - III. Professional Service Fees: Fees for designing, engineering, surveying, legal services, financing, and associated services are not eligible for reimbursement, excluding general contractor/contractor services.

Section 4

Application, Reimbursement and Documentation Criteria

The following are the Application Procedures regarding the Application for and consideration of Business Improvement Grants:

- 4.1. Application: The submittal of an Application is required prior to any evaluation of the request for Business Improvement Grants. The applicant must submit a complete application on a form prepared by the EDC, including applications eventually incorporated in an online permitting portal, and supply

all of the requisite information for grant consideration:

- (A) Proof of ownership of the Property;
- (B) Photographs of the existing Property;
- (C) Drawings, renderings, plans of the proposed Improvements;
- (D) Written description of the Improvements including building materials and color schemes to be used;
- (E) Construction Cost estimate; and
- (F) If Applicant is not the Property owner:
- (G) Written approval of the Application from the owner;
- (H) Copy of the signed lease agreement.

4.2. Amendments: Staff may amend the form of the Application as needed to more efficiently evaluate the merits of requested Improvement Grants.

4.3. Review & Evaluation: The following are criteria to review and evaluate the Application:

(A) Review Criteria:

- I. Completeness of Application: Completeness of the Application; including all required attachments.
- II. Non-funded Improvements: Are the improvements associated with the grant part of a larger effort to improve the Property.
- III. Elimination of a Non-Conformity: Do the Improvements eliminate a legal non-conforming aspect of the Property.

(B) Staff Evaluation and Recommendation: The Program Administrator may convene a team of the appropriate persons to evaluate the Application. Upon review, the Program Administrator shall prepare a recommendation to forward to the EDC Board.

(C) Approval: The EDC Board shall make the final decision regarding the merits of the Application and the appropriate Business Improvement Grant to be given, if any, if funds are available.

4.4. Construction: All construction shall be in accordance with all requirements for permitting and inspection required by the City.

(A) Access: If awarded, the Applicant shall provide the City and EDC Staff access to the Property to ensure that the Improvements or repairs are made according to the specifications and conditions in the approved application.

(B) Ineligible: An application is deemed ineligible when improvements have been substantially complete or a Certificate of Occupancy has been issued.

(C) Construction Progress and Completion: Construction shall progress at a reasonable pace and all projects must be complete within 12-months following the approval of a grant application or permit issuance. Projects must be fully completed in order to submit request for reimbursement. Incomplete projects are not eligible for reimbursement.

4.5. Reimbursement Procedures: The following are the procedures for reimbursement under this grant program:

(A) Verification: Upon completion and approval of the work by the City, Staff shall verify that the work has been performed as authorized in the approval action.

(B) Documentation: The Applicant shall provide Staff with documentation necessary to determine the Construction Costs of the Improvements as approved, e.g. copies of paid contractor invoices, receipts or processed checks. Construction Costs not supported by adequate documentation shall not be eligible for reimbursement.

(C) Payment: Upon verification of compliance with the approval action, Staff shall cause the reimbursement to be issued to the Applicant in the approved amount.

4.6. Funding Conditions: The following are conditions of funding and applicable to all Applicants that accept grant funds under this program:

- (A) Cost Overruns: Any costs above and beyond the amounts approved shall be the responsibility of the Applicant.
- (B) Recapture Provisions: Acceptance of grant funds means the Applicant agrees to the repayment of a grant if the Applicant or the condition of the Property does not fulfill all obligations required under this grant program. The City and EDC may take any remedy necessary to recover the funds, including filing a lien on the Property.

Section 5.

Applicant/Owner Certifications

- 5.1. Application Certifications**: An Application shall include the following certifications which shall be affirmed by the Applicant/Owner by signing an Application, including submittal of application by electronic means:
- (A) Application Accuracy: The information provided in the Application, and all that may have been affixed thereto, is true and correct, and that the EDC may rely on all of the information therein contained, and all that may have been affixed thereto, as being true and correct.
 - (B) Compliance: I (we) certify that I am (we are) solely responsible for all safety conditions and compliance with all safety regulations, building codes, ordinance and other applicable regulations. Neither approval of an Application nor payment of a grant upon completion of the project shall constitute approval of the project by any City department or Staff or a waiver by the City or EDC of any safety regulation, building code, ordinance or other applicable regulation.
 - (C) Insurance: I (we) certify that I (we) maintain sufficient insurance coverage for property damage and personal injury liability relating to the project.
 - (D) Discretionary Rights: I (we) certify that I (we) acknowledge that the EDC has the absolute right of discretion in deciding whether or not to approve a matching grant based on the Application.
 - (E) Policy Promotion: I (we) authorize the EDC to use an approved project to promote the merits of this Policy, including but not limited to displaying a sign at the Property or Business during and within thirty (30) days after construction, and using photographs and descriptions of the project in distribution material, press releases, social media and on the EDC's website.
 - (F) Indemnification: I (we) certify that I am (we are) solely responsible for overseeing the work, and will not seek to hold the City, the EDC Board, and/or their agents, employees, officers, and / or directors liable for any property damage, personal injury, or other loss related in any way to this Policy, and by submission of an Application, agree to indemnify the City, the EDC Board, and/or their agents, employees, officers, and / or directors from any claims or damages resulting from the project, including reasonable attorney fees.

Section 6.

General Provisions, Administration and Notices

- 6.1. Program Funding**: The following provisions shall apply concerning grant program funding:
- (A) Annual Funding Cycle: Funding shall be available beginning October 1st of each year;
 - (B) Funding Allocation: The amount of funding for each year will be determined by the appropriation provided under the adopted Cleveland Economic Development Corporation (EDC) annual budget;
 - (C) Fund Depletion: Upon depletion of program funding, neither the EDC nor any other entity will have the obligation to fund additional grants; and
 - (D) Subsequent Availability of Funds: Appropriation of funding for the BIG program does not encumber subsequent EDC Boards, or any other entity, to continue appropriations for such funding, and does not imply that subsequent EDC Boards may provide such funding.
- 6.2. Authorization**: The Cleveland Economic Development Corporation authorizes the Community Development Director to serve as the Program Administrator and/ or assign a designee(s) to interpret

these program policies and guidelines, manage program applications, and administer all other administrative functions of the program.

- 6.3. Changes During Construction: If an Applicant seeks to change the scope of its project after a grant has been approved, the Applicant shall meet with the Program Administrator to discuss the desired change. The Program Administrator has the authorization to approve minor modifications during construction that do not interfere with or exceed the authorized levels of funding approved by the EDC. Any other desired modification shall be placed before the EDC Board for reconsideration.
- 6.4. Flexibility: The terms and conditions of this Policy are a guideline for the EDC Board during their deliberation and evaluation. The EDC reserves the right to modify the terms and conditions herein at any time, including for any pending application, and may approve a grant on terms and conditions contrary to the guidelines set forth in this policy.
- 6.5. Amendments: The EDC reserves the right to amend these policies and guidelines as it may from time to time find desirable.
- 6.6. Section or Other Headings: Section or other headings contained in this Policy are for reference purposes only and shall not affect in any way the meaning or interpretation of this Policy.
- 6.7. Severability: In the event that any provision of this Policy is determined to be illegal, invalid, or unenforceable, then, and in that event, it is the intention that the remainder of this Policy shall not be affected thereby.
- 6.8. Notices: The following notices shall be observed:
 - (A) The provision or delivery of these guidelines and criteria to an interested party does not constitute an offer of an improvement grant to that party;
 - (B) The adoption of these policies and guidelines does not limit the discretion of the EDC to decide whether to provide or not provide a grant to an applicant, which absolute right of discretion the EDC reserves unto itself;
 - (C) The adoption of these policies and guidelines does not create any property, contract, or other legal rights in any person to have the EDC provide grant funding; and
 - (D) The EDC, City of Cleveland, their employees, and their agents, do not attest to the quality, safety, or construction of a project eligible for, or receiving grant funding. Therefore, the EDC, City, their employees, and their agents shall be held harmless by the applicant/applicants for any and all damages associated with the planning, construction, and subsequent existence of any project whose application has been approved, or has received actual grant funding.