

BUSINESS IMPROVEMENT DISTRICT NO. 27
Burleigh Street Business Improvement District
PROSPOSED OPERATING PLAN (Year Sixteen)

July 2016

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I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes ((see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is “to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities.” (1983 Wisconsin Act 184, Section 1, legislative declaration.)

Business improvement district assessments are quite similar to traditional special assessments wherein property owners are assessed for improvements or services that benefit them. Unlike the traditional special assessment, however, business improvement district assessments can be used to finance a wide range of activities, services, and improvements. Some BIDs in Wisconsin have funded physical improvements like street lighting or parking; others have funded business recruitment programs; others have promoted increased services in the district such as security or snow removal; still others have produced promotional and marketing materials and events.

The City of Milwaukee has received a petition from property owners which requests creation of a Business Improvement District for the purpose of revitalizing and improving the Burleigh Street business area in Milwaukee’s northwest side (see Appendix B). The BID law requires that every district have an annual Operating Plan. **This document is the year ninth Operating Plan for the proposed Burleigh Street district.** The BID proponents prepared the Plan with technical assistance from the City of Milwaukee Department of City Development and UW Extension.

Section 66.608 (3) (b), Wis. Stats. Requires that a BID Board of Directors “...shall annually consider and make changes to the operating plan. The Board shall then submit the operating plan to the local legislative body for its approval.” Given that, a grassroots and comprehensive planning process, consisting of business operators and property owners, did establish the primary mission of the Burleigh Street BID-to facilitate commercial development within the proposed District.

Development of the District through creation of the BID is proposed because:

1. The BID law provides a mechanism whereby private property owners can work together in conjunction with the City to develop the District.
2. Existing public funding sources used to help maintain and promote the District may not be sufficient. Continuing unified development efforts will have to be financed with new private resources as well as existing public dollars.
3. The District includes properties of varying types and sizes. Some form of cost sharing is necessary because it is not feasible for small group alone to support District development efforts. The BID Plan provides a fair and equitable mechanism for cost sharing which will benefit all business and properties within the District.
4. Use of the BID mechanism will help ensure that the entire District will be promoted and developed as expeditiously as possible.

B. Physical Setting

The boundaries of the proposed Burleigh Street BID follow Burleigh Street from Sherman Boulevard on the east, to 60th Street on the west and shall include all properties and buildings within the

boundaries. While predominantly commercial in character, the District includes several residential properties. By statute properties are not assessed, as noted in Section IV B (2) of this document.

The Burleigh Street BID occupies a strategic location within Milwaukee's northwest side. It is one of the main shopping districts located between the major Routes 41 (Appleton Avenue) and I45 (Fond Du Lac Avenue) and is accessed by Roosevelt Boulevard in the west and Sherman Boulevard on the east.

The Burleigh Street BID contains a large concentration of late 19th and early 20th century commercial buildings. Several individual buildings have a characteristic "Milwaukee" architectural quality providing a common denominator among the older stock.

The Burleigh Street BID location near major thoroughfares would help support its future role as a **high-value commercial and residential area**. Low density commercial uses might best be either selectively maintained or eventually phased out, given the area's higher density development potential.

II. DISTRICT BOUNDARIES

Boundaries of the proposed district are exhibited in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix D.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the BID is to: Maximize resources and implement activities to promote, manage, maintain and develop the District in ways that will result in neighborhood safety, improved area image and new business development.

B. Proposed Activities – Year 16

Principle activities to be engaged in by the district during its year sixteen of operation will include:

Develop and implement timely information on topics such as police patrol, garbage clean-up, marketing opportunities, and other topics of local concern to members, retailers, and others in the form of article, fliers, e-mails and other appropriate methods.

Create a business directory and encourage businesses to relocate to the district.

Direct and/or collaborate with other City Departments in the implementation of streetscape and other long-range plans approved by the board of directors. Agencies included but not limited to include the Department of Public Works and Department of City Development.

Encourage and support façade improvements as well as encourage all commercial buildings to be maintained graffiti free. Provide staff assistance to property owners and developers who are engaged in property improvements and redevelopment actions. Ensure the streets in the District are maintained throughout the year, including cleanup activities as well as routine maintenance.

Create awareness for area businesses on safety and security measures and serve as a liaison with the security offices of area institutions and the Milwaukee Police Department.

Marketing and visual enhancement of the Commercial District.

Proposed Budget – Year sixteen, recognizing that it is beyond the resources and capacity of Business Improvement District No. 27 to address every issue affecting the district, the Board shall set priorities for expenditures based on cost effectiveness and fulfillment of the goals of the BID. Grants may be awarded during the program year that are not presently identified as such but fit within the intent of the Operating Plan.

The board shall have the authority to revise the budget as necessary during the year to match the funds actually available. Functional expenditures anticipated being in these approximate amounts:

<u>Clean-up/Safety and Security - \$18,050.00</u>	
A. Building exterior enhancement work	\$ 8,400.00
B. Street clean-up / maintenance	\$ 4,800.00
C. Sidewalk	\$ 4,500.00
D. Adopt-a-block program	In-kind
E. Misc. cleaning	\$ 350.00
<u>Promotion/marketing/image campaign - \$2,700.00</u>	
A. SPCA newsletter/marketing	\$ 1,200.00
B. Planting and/or landscaping	\$ 1,000.00
C. Winter lighting project	\$ 500.00
<u>Consultation Expenses - \$12,000.00</u>	
Director/Manager services included work performance and incentives	\$ 12,000.00
<u>General Expenses - \$3,933.00</u>	
Office supplies and/or equipment	\$ 983.00
Telephone	\$ 400.00
Postage	\$ 150.00
Printing	\$ 300.00
Insurance	\$ 1,600.00
Equipment including repair and maintenance	\$ 500.00
<u>Outsides Services - \$4,800.00</u>	
Accountant (regular and audit	\$ 4,000.00
Legal	\$ 800.00
<u>Miscellaneous and contingency - \$2,000.00</u>	\$ 2,000.00
<u>Total</u>	\$ 43,483.00

Except as identified herein, all expenditures will be incurred during the current Plan year. Any funds remaining on any budget line item above may be moved to another budget line item, as determined by the BID board. Any unused funds remaining at the end of the year shall be used for the following plan year. Of these funds **fifty-percent** of the difference between the annual gross incomes vs. the expenditures will be held in reserve.

The BID board may consider grants made for financial hardships on a case-to-case basis. The BID director/manager has immediate authority to spend up to seventy-five dollars without first obtaining board approval. The petty cash items purchased are to be reviewed monthly. The BID board will not incur any long term debt which cumulatively **exceeds twice** the current operating budget without the consent of the majority of the board. Long term debt is defined as any debt with payments of principle and interest that exceeds **twelve** months.

If any additional funds are received by the BID, whether from gifts, grants, government programs or other sources, they shall be expended for the purposes identified herein, and in the manner required by the source of such funds, or, if the funds have no restrictions, in the manner determined by the BID board. All physical improvements made with these funds shall be made in the BID district. The location of other expenditures shall be as determined by the BID board. The BID board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

D. Financing Method

It is proposed to raise \$43,483.96 through BID assessments (see Appendix D). The BID board shall have the authority and responsibility to prioritize expenditures and revise the budget as necessary to match the funds actually available.

The proposed expenditures will be financed from monies collected from the BID assessments. The Bid assessment is levied by the city, which shall be a lien against each of the non-exempt tax parcels of real property contained in the BID district. It is estimated that 100 percent of the BID budget will be raised through assessments (see Appendix D).

E. Organization of BID Board

The grassroots planning process that petitioned for the creation of the Burleigh Street BID will establish a slate of Director Candidates for Mayoral and Common Counsel Approval as required by Wis. Stats. Section 66.608 (6).

Upon creation of the BID, the Mayor will appoint members of the district board ("board"). The board's primary responsibility will be implementation of this Operating Plan. This will require the board to negotiate with providers of service and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at-least six members and that a majority of the board members be owners or occupants of property within the district. For purposes of this section "member" means an individual owner-occupied of a parcel, or a representative of an entity owner of such parcel.

No one individual, and no more than one representative of any entity, may hold more than one board position. If, during the course of a term a board member's situation changes, so that he/she no longer fits the definition for that seat,, such as by selling their parcel, he/she shall continue to serve in that

position until the end of that calendar year, and a new member fitting the requirements of that seat shall be appointed to complete that term, prior to the next January 1st, with the members whose terms are expiring.

On or before December 1st, of each year, the board will submit its recommendations to the mayor of the City of Milwaukee for seats of expiring Board members.

It is recommended that the BID board be structured and operate as follows:

1. **Board size** – at five least members – not to exceed seven members.
2. **Composition** – Seven members shall be owners of BID assessed property or operators of businesses, or their representative within the district, and one representative of the Sherman Park Community, to be recommended by the president of the Sherman Park Community Association (SPCA) and approved by the sitting BID board. The board shall elect its officers from among its members.
3. **Term** – New appointments to the board shall be for a period of two years. Reappointment to the board shall be for a period of three years.
4. **Compensation** – None
5. **Meetings** – All meetings of the board shall be governed by the Wisconsin Open Meeting Law. The board shall meet regularly, at least twice each year. The board shall adopt rules of order (“by-laws”) to govern the conduct of its meetings. (See Exhibit 1).
6. **Record Keeping** – Files and records of the board’s affair shall be kept pursuant to public record requirements.
7. **Staffing** – The board may employ staff and/or contracts for staffing services pursuant to this plan and subsequent modifications thereof.
8. **Powers** – It is intended that the BID board shall have all powers authorized by law, and by their plan including, but not limited to, the following powers:
 - To manage the affairs of the District.
 - To promote new investments and appreciation in value of existing investments.
 - To contract on behalf of the BID.
 - To develop, advertise and promote the existing and potential benefits of the strict.
 - To least office space within the District.
 - To undertake on its own account public improvements and/or to assist in development, underwriting or guaranteeing public improvements within the district.
 - To apply for, accept and use grants and gifts for these purposes.
 - To elect officers, hire employees and contract out work as necessary to carry out these goals.
 - To add to the security of the district.

9. **Officers** – The board shall elect a chairman, vice-chairperson, treasurer and secretary from its members, any two of the four of which, shall have the power to execute documents on behalf of the full board. The board may also give its staff limited ability to execute documents and/or write checks to carry out the plan.

F. Relationship to the Burleigh Street Community Development Corporation (BSCDC) and the Sherman Park Community Association (SPCA).

The BID shall be a separate entity from the Burleigh Street Community Development Corporation (BSCDC) and the Sherman Park Community Association (SPCA). The BSCDC and the SPCA shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. The BSCDC and the SPCA may, and it is intended, shall, contract with the BID to provide service to the BID in accordance with this plan.

IV. METHOD OF ASSESSMENT

A. Assessment Rate and Method

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

The use of a minimum value is designed to reflect the expected benefits to the area by the BID. Since most of the proposed BID activities are district-wide and not property specific, the proposed minimum assessment is designed to spread the level of cost to all properties within the district. Above this minimum level, it is believed that there will be some additional benefits received based upon the value of the property.

As of June 31, 2016, the property in the proposed district has a total assessed value of \$11,790,213.00.

This plan proposed to assess the property in the district at a rate of \$3.70 per \$1,000.00 of assessed value. Assessments less than \$150.00 but more than \$100.00 will be assessed at a flat rate of \$150.00; assessments less than \$100.00 will be assessed a flat rate of \$100.00.

The maximum amount of assessment increase that the BID board can affect can be no more than 25% greater than the assessment in the previous year without first obtaining a positive vote of property owners representing at least 50% of the assessed properties. Any assessment increase of 25% or less must be approved by a simple majority vote of assessed property owners at a special meeting called for that purpose with at least 5 days written notice given, of that meeting. Appendix D shows the projected assessment for each property included in the district.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law, the following statements are provided.

1. State Statute 66.1109 (1) (f) Im: The district will contain property used exclusively for manufacturing purpose, as well as properties used in part for manufacturing. These properties will be assessed

according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109 (5) (a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID exempt properties in Appendix D, as revised this year.
3. In accordance with the interpretation of the city attorney, regarding State Statute 66.1109 (1) (b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make financial contribution to the district on a voluntary basis.
4. When and if any amendment to the BID law is enacted, that will allow tax-exempt parcels to be included within the boundaries of BIDs, any tax-exempt parcels that are excluded from the boundaries shown in Appendix C, but which have frontage on BID 27 area shall be included in the district without need of separate action by the Common Council of the city of Milwaukee.

Privately owned tax exempt property adjoining the district that is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

Further, property which is presently not taxable within the BID district (e.g. wholly Residential or partial residential property), which receive a benefit from district activities, may be asked to make a financial contribution to the district on a voluntary or other basis.

5. The BID has determined that properties which are zoned commercial, whether or not any substantial portion of the property is used for residential purposes or uses, is included within eligible property subject to BID assessments. In the event that there is a change in Wisconsin law or in any applicable local municipal or other ordinance governing the regulation and operation of business improvement districts, our BID reserves the right to take steps as are necessary and deemed appropriate to prevent any disproportional assessment of such properties and either amend the Operating Plan or have its board pass appropriate resolutions providing for the adjustment to the assessment of substantially residential property.

V. RELATIONSHIP TO MILWAUKEE COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

In February 1978, the Common Council of the City of Milwaukee adopted a Preservation Policy as the policy basis for its Comprehensive Plan and as a guide for its planning, programming and budgeting decisions. The Common Council reaffirmed and expanded the Preservation Policy in Resolution File Number 881978, adopted January 24, 1989.

The Preservation Policy emphasizes maintaining Milwaukee's present housing, jobs, neighborhoods, services and tax base rather than passively accepting loss of jobs and population, or emphasizing massive new development. In its January 1989 reaffirmation of the policy, the Common Council gave new emphasis to forging new public and private partnerships as a means to accomplish preservation.

The district is a means of formalizing and funding the public-private partnership between the City's Comprehensive Plan and Preservation Policy.

B. City Role in District Operation

The City of Milwaukee has committed to helping private property owners in the district, promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the city will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.
5. Provide the board, through the Tax Commissioner's office, on or before June 30th of each plan year, with the official city records and the assessed value of each tax key number with the district, as of January 1st of each plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Milwaukee County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement District Law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The Milwaukee City Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.
2. The City Plan Commission will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition, a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.
3. The City Plan Commission will hold a public hearing, will approve or disapprove the plan, and will report its action to the Common Council.
4. The Economic Development Committee of the Common Council will review the proposed BID plan at a public meeting and will make a recommendation to the full Common Council.
5. The Common Council will act on the proposed BID plan.
6. If adopted by the Common Council, the proposed BID plan is sent to the Mayor for his approval.
7. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the plan.

B. Petition Against Creation Of The BID

The City may not create the Business Improvement District if, within 30 days of the City Plan Commission's hearing, a petition is filed with the city containing signatures of:

Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or
Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the city to annually review and take changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms, the complete development program, it focuses upon year sixteen activities, and information on specific assessed values, budget amounts and assessment amounts are based on year sixteen conditions. Greater detail about subsequent year's activities will be provided in the required annual plan updates, and approval by the Common Council of such plan updates shall be conclusive evidence of compliance with this plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Milwaukee.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional, its decision will not invalidate or terminate the BID, and this BID plan shall be amended to conform to the law without need of re-establishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Milwaukee as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109 (3) (b).

APPENDICES

APPENDIX A STATUTE

1983 Wisconsin Act 184

AN ACT to create 66.608 of the statute, relating to business improvement districts.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows.

SECTION 1. Legislative declaration. It is declared that 83 Wis. Act 184

(1) The continued vitality of the commercial business districts of this state, especially those in downtown and central city areas, is necessary to retain existing businesses in and attract new businesses in this state.

(2) Declining public revenues emphasize the importance of assembling viable public/private partnerships to undertake revitalization of these districts.

(3) The establishment of a business improvement district system benefits the health, safety, welfare and prosperity of the people of this state.

(4) It is the purpose of this act to authorize cities, villages and towns to create one or more business improvement districts to allow business within those districts to develop, to manage and promote the district and to establish an assessment method to fund these activities.

SECTION 2. 66.608 of the statutes is created to read:

(a) "Board" means a business improvement district board appointed under sub: (3) (a).

(b) "Business Improvement District" means an area within a municipality consisting of contiguous parcels subject to general real estate taxes. Other than railroad right-of-way, and may include railroad rights-of-way, rivers or highways continuously bounded by the parcels on at least one side.

(c) "Chief Executive Officer" means a mayor, city manager, village president or town chairman.

(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.

(e) "Municipality" means a city, village or town.

(f) "Operating Plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:

1. The special assessment method applicable to the business improvement district.

1m: Whether real property used exclusively for manufacturing purposes will be specially assessed.

2. The kind, number and location of all proposed expenditures within the business improvement district.

3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.

4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.

5. A legal opinion that subds. 1 to 4 has been complied with.

(g) "Planning commission" means a plan commission under s. 62.23, or if none, a board of public land commissioners, or, if none, a planning committee of the local legislative body.

(2) A Municipality may create a business improvement district and adopt its operating plan if all of the following are met:

- (a)** An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) Has petitioned the municipality for creation of a business improvement district.
- (b)** The planning commission had designated a proposed business improvement district and adopted its proposed initial operating plan.
- (c)** At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under Ch. 985. Before publication, a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
- (d)** Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the initial proposed operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
- (e)** The local Legislative body has voted to adopt the proposed initial operating plan for the municipality.
- (3) (a)** The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real estate in the business improvement district.
- (b)** The board shall annually consider and any make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any changes to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
- (c)** The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
- (d)** Either the board or the municipality, as specified in the operating plan as adopted or amended and approved under this section, shall have all power necessary or convenient to implement the operating plan, including the power to contract.
- (4)** All special assessments received from a business improvement district and all other appropriations by the municipality or other monies received from the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the cost of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all money collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed in the business improvement district, in the same proportions as the last collected special assessment.
- (4m)** A municipality shall terminate a business improvement district if the owner of the property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the

assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:

(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

(b) On and after the date the petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (c).

(c) Within 30 days after the filing under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under Ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.

(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.

(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting and retraction under par. (d), the owner of property assessed under the operating plan having a valuation equal to more than 50% of valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owner of property assessed under the operating having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, having requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.

(5) (a) Real property used exclusively for residential purposes may not be specially assessed for purposes of this section.

(b) A municipality may terminate a business improvement district at any time.

(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.

APPENDIX B PETITION

Petition for the Creation of a Business Improvement District

We, the undersigned owners of real property used for industrial and commercial purposes and located in the proposed business improvement district in Appendix A, hereby petition the City of Milwaukee, pursuant to the provision of Sec. 66.608 (2) (a) Stats. For the creation of a business improvement district for the area described in Appendix A.

Initial petition submitted with year one plan on file with the City of Milwaukee and the BID office.

APPENDIX C
DISTRICT BOUNDARIES

Burleigh Street from Sherman Boulevard on the east to 60th Street on the west and shall include all properties and buildings with those boundaries.

APPENDIX D

PROJECTED ASSESSMENTS AS OF JUNE 2016

Owner's/Operator's Name	Commercial Property Address	Tax key/Account No.	Property Assessment Year 16	BID Assessment At \$3.70/\$1000 Assessed Value or Established Minimum
QUANTEX PROPERTIES LLC	4500 W BURLEIGH	2880103000	\$ 95,300.00	\$ 352.61
AML INVESTMENTS LLC	3073 N SHERMAN	3070601000	\$ 130,200.00	\$ 481.74
LIVING EPISTLE CHURCH OF	4300 W BURLEIGH	2880731000	\$ 78,700.00	\$ 291.19
AML INVESTMENTS LLC	4325 W BURLEIGH	3070625000	\$ 123,700.00	\$ 457.69
RENAD JARABA	4326 W BURLEIGH	2880732000	\$ 72,000.00	\$ 266.40
JANETTE HERRERA	4404 W BURLEIGH	2880704000	\$ 191,000.00	\$ 706.70
JOENETTE D KELLY	4409 W BURLEIGH	3070627000	\$ 116,500.00	\$ 431.05
JUSTIN D JACKSON	4424 W BURLEIGH	2880705000	\$ 44,900.00	\$ 166.13
YER LOR	4425 W BURLEIGH	3070802000	\$ 48,600.00	\$ 179.82
JANICE BYAS	4508-4514 W BURLEIGH	2880104000	\$ 66,500.00	\$ 246.05
WELLESLEY EDWARDS	4515-4521 W BURLEIGH	3070675000	\$ 167,000.00	\$ 617.90
COSTIGAN PROPERTIES LLC	4518-4526 W BURLEIGH	2880105000	\$ 330,000.00	\$ 1,221.00
DAVID T WASMUND	4532 W BURLEIGH	2880106000	\$ 162,000.00	\$ 599.40
PROBUCOLLS ASSOCIATION	4500-4606 W BURLEIGH	2880123000	\$ 116,000.00	\$ 429.20
ALBERT YEE	4610-4614 W BURLEIGH	2880124000	\$ 7,200.00	\$ 150.00
SEAWAY BANK & TRUST CO	4616-4634 W BURLEIGH	2880125000	\$ 537,000.00	\$ 1,986.90
B L MARTIN INVESTMENTS LLC	4623 W BURLEIGH	3070501100	\$ 291,000.00	\$ 1,076.70
PSRALM LTD	4642 W BURLEIGH	2880480000	\$ 85,100.00	\$ 314.87
MCKPLACO INC	4704 W BURLEIGH	2880492000	\$ 44,200.00	\$ 163.54
COSTIGAN PROPERTIES LLC	4705 W BURLEIGH	3070513000	\$ 756,000.00	\$ 2,797.20
ROSE N FLEMING	4712-4716 W BURLEIGH	2880493000	\$ 86,600.00	\$ 320.42

4720 W BURLEIGH LLC	4720 W BURLEIGH	2880494000	\$ 220,600.00	\$ 816.22
PAUL S & CAROL R RUBITSKY	4726-4728 W BURLEIGH	2880495100	\$ 135,000.00	\$ 499.50
DAVID M & MARCIA EISENBACH	4731 W BURLEIGH	3070515100	\$ 162,000.00	\$ 599.40
JO LLC	4800 W BURLEIGH	2880519000	\$ 369,000.00	\$ 1,365.30
BANK MUTUAL	4812 W BURLEIGH	2880520100	\$ 604,000.00	\$ 2,234.80
WHEATON FRANCISCAN HEALTH-	4829-4833 W BURLEIGH	3070541000	\$ 423,000.00	\$ 1,565.10
PAUL & CAROL RUBITSKY TRUST	4912 W BURLEIGH	2881161000	\$ 105,000.00	\$ 388.50
ST JOSEPH'S HOSPITAL OF	5000 W BURLEIGH	2881163000	\$ 19,500.00	\$ 150.00
WHEATON FRANCISCAN HEALTH-	5000 W CHAMBERS	3070805100	\$ 470,000.00	\$ 1,739.00
WHEATON FRANCISCAN HEALTH-	5020 W BURLEIGH	2881162000	\$ 112,000.00	\$ 414.40
WHEATON FRANCISCAN HEALTH	5025 W BURLEIGH	3070805200	\$ 2,749,000.00	\$ 10,171.30
CONGREGATION BETH	5100 W BURLEIGH	2890965000	\$ 219,000.00	\$ 810.30
5300 W BURLEIGH LLC	5300-5304 W BURLEIGH	2891096000	\$ 222,000.00	\$ 821.40
MELVIN E GRISBY	5301 W BURLEIGH	3060430000	\$ 123,000.00	\$ 455.10
ARUNAObI INTEGRATED MEDICAL	5325 W BURLEIGH	3060459100	\$ 172,000.00	\$ 636.40
STATE BANK OF CHILTON	5401 W BURLEIGH	3060461000	\$ 62,900.00	\$ 232.73
HORIZON HEALTHCARE, INC.	5408 W BURLEIGH	2890318000	\$ 145,000.00	\$ 536.50
MELVIN GRISBY	5425 W BURLEIGH	3060489000	\$ 78,600.00	\$ 290.82
PAMELA MCNEALY	5501 W BURLEIGH	3060203000	\$ 95,100.00	\$ 351.87
TRANSFORMATION TEMPLE INC	5506 W BURLEIGH	2890341100	\$ 25,713.00	\$ 150.00
BARBARA LOUISE BRADEN	5512 W BURLEIGH	2890340000	\$ 81,400.00	\$ 301.18
LAQUANDA GRAY	5520 W BURLEIGH	2890339000	\$ 260,000.00	\$ 962.00
TINO BATES	5601 W BURLEIGH	3069995000	\$ 158,900.00	\$ 587.93
IRVIN BOSTWICK	5606 W BURLEIGH	2890367000	\$ 215,000.00	\$ 795.50
THOMAS A KARAGIANIS	5616 W BURLEIGH	2890368000	\$ 73,800.00	\$ 273.06
JAMES A YOURKOVICH	5624 W BURLEIGH	2890369000	\$ 212,000.00	\$ 784.40
LARRY HERRMAN	5625 W BURLEIGH	3069998000	\$ 35,300.00	\$ 130.61

UNSURE OF OWNER	5632 W BURLEIGH	2890370000	\$ 141,000.00	\$ 521.70
MICHAEL A SCHMIDT	5701 W BURLEIGH	3060101000	\$ 109,000.00	\$ 403.30
NORTHERN MOTORS LLC	5716 W BURLEIGH	2890371100	\$ 106,000.00	\$ 392.20
RICHARD R ROST	5722 W BURLEIGH	2890373000	\$ 80,900.00	\$ 299.33
CITY OF MILW	5725 W BURLEIGH	3060102000	\$ 107,000.00	\$ -
MILW CARDIAC CARE LLC	5800 W BURLEIGH	2890383000	\$ 86,700.00	\$ 320.79
BARBARA SAGE	5814 W BURLEIGH	2890385000	\$ 61,300.00	\$ 226.81
		TOTALS	\$ 11,790,213.00	\$ 43,483.96

APPENDIX E

CITY ATTORNEY'S OPINION

Original City Attorney's opinion submitted with year one plan on file with the City of Milwaukee and the BID office.

EXHIBIT ONE

BY LAWS BOARD OF DIRECTORS BURLEIGH STREET BUSINESS IMPROVEMENT DISTRICT

1.0 **Objectives**

1.1 The objective of the Board shall be those set forth in section 66.608 Wisconsin Statutes, and in the operating plan adopted by the City of Milwaukee for the Burleigh Street Business Improvement District.

2.0 **Officers and Their Duties**

2.1 The officers of the Board shall consist of a Chair and Vice-chair, a secretary and treasurer.

2.2 The Chair shall preside at all meetings and hearings of the board and shall perform such duties as are customarily exercised by a presiding officer. In addition, the Chair may appoint general or special committees if and when the occasion requires.

2.3 The Vice-Chair shall perform the duties of the Chair in the latter's resignation, absence or inability to act.

2.4 The Secretary shall keep the permanent minutes of the board; file copies of the minutes, report and records of the board with the City Clerk; see that all notices are duly given in accordance with the provisions of these bylaws, or as required by law; and, in general, perform all duties incident to the office of secretary.

2.5 The Treasurer shall have charge and custody of and be responsible for all funds and securities of the BID. The Treasurer shall perform all the duties incident to the office of Treasurer. The Treasurer and Chair shall prepare or have prepared an annual operating budget showing income and expenses, shall present it to the board for approval and shall prepare or have prepared the annual audit required by law.

2.6 The Board may assign other duties to each officer as may, from time to time be deemed necessary. The officers shall be required to fulfill all duties as assigned by the board.

3.0 **Election of Officers**

3.1 The officers shall be elected at the first meeting in January to serve for one (2) year or until their successors have been elected, and their term of office shall begin at the meeting at which they are elected.

4.0 **Meetings**

- 4.1 The Board shall hold regularly scheduled meetings. At least one week written notice, delivered to the members and the City Clerk, shall be necessary to schedule a meeting of the board.
- 4.2 A Quorum of the Board shall consist of a simple majority of the current members of the Board of Directors. A current member is defined as someone who has accepted nomination to the Board, has been approved and sworn in by the Common Council of the City of Milwaukee.
- 4.3 Special meetings may be called by the Chair or at the request of three (3) members of the board.
- 4.4 All meetings shall be open to the public, except those specified in section 19.85 Wisconsin Statute.
- 4.5 Attendance and voting at all meetings shall be in person unless the president deems it necessary to conduct meetings and voting by telephone or proxy.

5.0 **Hearings**

- 5.1 Prior to submitting its annual operating plan to the Common Council of the City of Milwaukee, the board shall hold a public hearing on the proposed plan. Written notice of the hearing shall be mailed to all owners of property within the BID at least one week prior to the hearing. The notice shall state that copies of the operating plan are available from the board on request.
- 5.2 In addition to the annual hearing on the operating plan, the board may hold public hearings or informational meetings when it decided such hearings will be in the public's interest.

6.0 **Financial**

- 6.1 The Board shall open such bank account, checking account, or other accounts with a financial institution in the City of Milwaukee, as the board may deem necessary or advisable.
- 6.2 The officers shall be the authorized signers of checks or withdrawal orders in connection with any such account. The signatures of two (2) officers shall be required on any check or for any withdrawal.
- 6.3 The Secretary shall certify the names and signatures of the current officers to the financial institution and the financial institution shall be fully protected in relying on any such certification by the Secretary until it receives written notice of change in such office or signing authority.
- 6.4 All invoices for goods supplied or services rendered to the BID shall be approved for payment by the Chair and payments will be made by procedures established by the Chair and the Treasurer.

7.0 **Board Membership**

- 7.1 A Board member may resign by submitting a written resignation to the Secretary.
- 7.2 A Board member may be removed from the board for cause by a two-third vote of the membership of the board after notice and opportunity for a hearing are afforded the member in question. A board member who fails to attend more than 4 meetings per year, without good cause, may be removed from the board.
- 7.3 Upon a vacancy being created on the board, the board shall notify the Mayor and petition the Mayor to appoint a replacement.
- 7.4 A Board member who has submitted a written resignation or whose term has expired shall continue to serve on the board, if otherwise able, until a successor is confirmed by the Common Council.

8.0 **Amendment**

- 8.1 These By-laws may be amended, to the extent no in conflict with section 66.608 Wisconsin Statutes or the operating plan, by an amendment adopted by two-thirds vote of the board, provided advanced notice of the amendment was previously forwarded to each member of the board, at least one week before the meeting.

9.0 **Parliamentary Authority**

- 9.1 The rules contained in the current edition of Robert's Rules of Order shall govern the board in all cases which are applicable and in which they are not inconsistent with these By laws, the operating plan and any statutes applicable.

EXHIBIT TWO

BUSINESS IMPROVEMENT DISTRICT

OFFICERS

Paul Rubitsky: Chairman Carlton Butts: Vice-Chairman

Tom Lifvendahl: Secretary

Darice Bealin: Treasurer

BUSINESS IMPROVEMENT DISTRICT

<u>BOARD MEMBER</u>	<u>TERM EXPIRES</u>
Paul Rubitsky	1/21/2018
Carlton Butts	1/23/2018
Tom Lifvendahl-SPCA	1/21/2017
Darice Bealin	7/11/2018
Ethel Washington	1/21/2017

BID #27 (West Burleigh Street) Board Member Sheet

Board Organization: at least 5, not to exceed 7 members, 7 members shall be owners of BID assessed property or operators of businesses, or their representative within the district, and one representative of the Sherman Park Community, to be recommended by the president of the Sherman Park Community Association (SPCA) and approved by the sitting BID board. The Board shall elect its officers from among its members.

<u>Board Member</u>	<u>Title</u>	<u>Start Date</u>	<u>End Date</u>
Carlton Butts	Vice-Chairman	12/23/2015	12/23/2018
Ethel Washington	Member	01/21/2015	01/21/2017
Paul Rubitsky	Chairman	10/01/2015	10/01/2018
Thomas Axel Lifvendahl	Secretary/ Sherman Park Comm. Assoc.	01/26/2015	01/26/2016
Darice Bealin	Treasurer	07/11/2016	07/11/2018

