

**BUSINESS IMPROVEMENT DISTRICT NO. 16  
UPTOWN CROSSING BUSINESS DISTRICT  
2010 PROPOSED OPERATING PLAN**

**August 27, 2009**

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# WEST NORTH AVENUE BUSINESS IMPROVEMENT DISTRICT 2010 OPERATING PLAN

## I. INTRODUCTION

### A. Background

In 1984, the Wisconsin legislature created Sec. 66.1109 (formerly S. 66.608) of the Statutes (See Appendix A) enabling cities to establish Business Improvement Districts (BIDs) upon the petition of at least one property owner within the proposed District. The purpose of the law is “. . . to allow businesses within those Districts to develop, manage and promote the Districts and to establish an assessment method to fund these activities.”

Upon petition from property owners within the West North Avenue Business District, the Common Council of the City of Milwaukee on September 27, 1995, by Resolution File Number 95078 created BID No. 16 (West North Avenue) and adopted its initial Operating Plan.

Section 66.1109 (formerly 66.608) (3) (b), Wis. Stats., requires that a BID Board “shall annually consider and make changes to the Operating Plan . . . The Board shall then submit the Operating Plan to the local legislative body for approval.” The Board of BID No. 16 (Uptown Crossing Business District) submits this 2010 BID Operating Plan with technical assistance from the City of Milwaukee Department of City Development in fulfillment of the statutory requirement.

This plan proposes a continuation and expansion of the activities described in the initial July, 1995, BID Operating Plan. Therefore, it incorporates by reference the earlier plan as adopted by the Common Council. In the interest of brevity, this plan emphasizes the elements which are required by Sec. 66.608, Wis. Stats., and the proposed changes for 2010. This plan does not repeat the background information, which is contained in the initial Operating Plan.

## **B. Physical Setting**

No changes in District planning or zoning have occurred since adoption of the initial Operating Plan.

## **II. DISTRICT BOUNDARIES**

Boundaries of the District are put forth in Appendix B of this plan. A listing of the properties included in the District is provided in Appendix C.

## **III PROPOSED OPERATING PLAN**

### **A. Plan Objectives**

The BID will be used to finance the business property owners' share of the cost and ongoing maintenance of streetscape improvements. The objectives of this ongoing streetscaping project are as follows:

- A. To improve the overall appearance and image of the street.
- B. To enhance safety and security by increasing the amount of street and pedestrian level lighting.
- C. To attract new businesses and increase private investment in the District.
- D. To create an environment which will attract new customers and increase the economic viability of the area.

The streetscaping may include, but is not limited to, improvements such as; installation of pedestrian level "harp" lighting; replacing portions of the curb, gutter, and sidewalk; distinctive painting of pedestrian street crossings in the District; replacing portions of the sidewalk with paving brick; planting of street

trees; and installation of bollards, benches, waste containers, information kiosks, banners, landscaping and other streetscape amenities

## **B. Proposed Activities**

Principal activities to be undertaken by the BID during 2010 will include, but are not limited to the following:

- A. Monitoring the continued installation and implementation of streetscape improvements. Two Hundred Fifty Thousand Dollars (\$250,000) of major improvements, approved in 2002, have now been completed with ongoing maintenance and repair activities comprising the greater portion of time and expenditure relative to the streetscape amenities added thus far. The most significant expense to date is the installation of "acorn" lamps on the overhead street lights and adding electric outlets to these poles for holiday lighting. The additional expense is part of a contract BID No. 16 has with the City of Milwaukee.

The BID Board of Directors will be completing a submission package to the City, outlining the BID's anticipated expenditures for improvements including street banners, holiday lighting, public art enhancements, additional refuse containers, etc., by the fall of 2009.

- B. Maintaining communication with the property owners and business operators in the District regarding the design and implementation of the project via quarterly newsletters to the District

- C. Monitoring the ongoing maintenance of streetscape improvements.
- D. Negotiating and entering into a landscape maintenance agreement to provide installation and ongoing maintenance of plants and street banners including four (4) seasonal changes.
- E. Via involvement with other community resources and/or private developers, the BID will investigate avenues to facilitate economic development, real estate acquisition and redevelopment opportunities, and activities including management of BID functions.

**C. Proposed Expenditures**

**PROJECT BUDGET 2010**

Expenses

Repairs and Maintenance (street/sidewalk cleaning; refuse container repair/replacement; electrical maintenance to public art sculpture)	\$ 43,660
Grounds (landscaping; crosswalk striping; holiday light pole decorations)	\$ 19,500
Administrative (management fee; postage; street banners; District newsletter)	\$ 24,620
Insurance/Accounting (annual audit)	<u>\$ 2,250</u>
<b>Total Operating Expenses</b>	<b>\$ 90,030</b>
 Real Estate Development/Rehab	 \$ 25,000

Debt Expense* (Repayment to City of Milwaukee)	\$ 43,200
Total BID Expenses For 2010	\$158,230

\* The streetscaping project was initiated in September 1996. In 2010, the BID will continue its efforts to add to and complete this major project which was nearly completed in 2009, including the changing out of all cobra street lighting to match the pedestrian level lighting; adding holiday lighting and other street amenities (i.e., street furniture, bus shelter amenities, etc.). Project costs were initially approved for approximately \$250,000. This is a matching grant project with 50% paid by the BID and 50% paid by the City.

The District will expend funds for maintenance of the streetscape amenities and the direct operation of the District. As City of Milwaukee resources get stretched by increasingly limited available funds, greater levels of private (BID) activity become necessary to keep the District clean, well maintained and attractive to new business prospects and people frequenting retail establishments in the area. Visitors to West North Avenue and West Lisbon Avenue expect an environment that makes them feel comfortable and safe as they conduct business in the area.

The BID Board will have the authority and responsibility to prioritize expenditures and to revise the District budget as necessary to match the funds actually available. Any funds unspent at the end of 2010 shall be carried over to 2011 and applied against future expenses.

#### **D. Financing Method**

It is proposed to raise \$158,230 through BID assessments (see Appendix C).

The City of Milwaukee and the District jointly and cooperatively fund the streetscaping. The District's share of the cost of the streetscaping and the operating expenses of the District have been funded by BID assessments on taxable properties within the District.

The District entered into a Public Improvement Development and Maintenance Agreement, identified as Contract No. 96-239 (CM), dated April 2, 1997, with the City of Milwaukee.

The Public Improvement Development and Maintenance Agreement constitutes a long-term commitment and the District will not be terminated until all repayments to the City have been made and adequate provision is made for the operation and management of the improvements financed through the District. The Public Improvement Development and Maintenance Agreement are in addition to this Operating Plan.

#### **E. Organization of BID Board**

The Board's primary responsibility is the implementation of this Operating Plan. The current BID No. 16 Board of Directors is comprised as follows:

- Gordon Steimle  
    Neighborhood resident, Washington Heights location
- Jill Sanders-Trachte  
    Property owner, business owner, North Avenue location
- Christine McRoberts  
    Property owner, business owner, North Avenue location
- Chris Hau  
    Neighborhood resident, Architect Quorum Architects

The BID Board is currently seeking area property owners and business owners to join the BID Board; there are currently three (3) open leadership positions on the Board.



## **F. Relationship to Milwaukee West North Avenue Business Association**

The BID shall be a separate entity from the Milwaukee West North Avenue Business Association notwithstanding the fact that members, officers, and directors of each may be shared. The Association 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 to provide services to the BID. At present, the Business Association is not operating.

## **IV. METHOD OF ASSESSMENT**

### **a. Assessment Rate and Method**

As of 2009 the commercial properties in the District had a total assessed value of \$29,460,600. This plan proposes to assess the taxable property in the District at a 2009 rate of \$5.50 per \$1,000 of assessed value for the purposes of the BID. Appendix A shows the projected BID assessment for each commercial property included in the District.

The principle behind the assessment methodology is that each property owner should contribute to the BID in proportion to the benefit derived from the BID. After consideration of assessment methods, it was determined that the assessed value of the property was the characteristic most directly related to the potential benefit provided by the BID.

The variables used to determine the regular BID assessments are:

1. The total assessed value of each tax key parcel within the District;  
and
2. The specific dollar amount per \$1,000 of the assessed value of each tax key parcel.

The assessment methodology is as follows: For each of the taxable tax key parcels within the BID boundaries, the BID assessment is calculated by applying a \$5.50 per \$1,000 charge against the assessed value of the parcel.

**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. Sec. 66.608 (1) (f) lm: The District may contain property used exclusively for manufacturing purposes, 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. Sec. 66.608 (5) (a): Property known to be used exclusively for residential purposes will not be assessed. Such properties are identified as BID Exempt Properties in Appendix A, as revised each year.
3. In accordance with the interpretation of the City Attorney regarding Sec. 66.608 (1) (b), Wis. States., property exempt from general real estate taxes have been excluded from the District. Privately owned tax exempt property, which is expected to benefit from District activities, may be asked to make a financial contribution on a voluntary basis.

**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 and property owners in the West North Avenue Bid District #16 business area and for furthering preservation and redevelopment in this portion of the City of Milwaukee. Therefore, it is fully consistent with 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 has played a significant role in the creation of the BID and in the implementation of its Operating Plan. In particular, the City will continue to:

1. Provide technical assistance to the proponents of the District through adoption of the Operating Plan and provide assistance as appropriate thereafter.

2. Monitor and, when appropriate, apply for outside funds, which could be used in support of the District.
3. Collect BID assessments, maintain the BID assessments in a segregated account, and disburse the BID assessments to the District.
4. Receive annual audits as required per Sec. 66.608 (3) (c) of the BID law.
5. On or before June 1<sup>st</sup> of each plan year, provide the Board, through the Tax Commissioner's Office, with the official City records on the assessed value of each tax key number within the District as of January 1<sup>st</sup> of each plan year for the 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 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 no more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

## **VII. FUTURE YEARS' OPERATING PLANS**

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 Operating Plan.

Section 66.608 (3) (a) of the BID law requires the BID Board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development project, it focuses upon 20109 activities. Information on specific assessed values, budget amounts, and assessment amounts are based on 2009 conditions. Greater detail about subsequent years' activities will be provided in the required annual plan updates. Approval by the Common Council of such Operating Plan updates shall be conclusive evidence of compliance with this Operating Plan and the BID law.

## **VIII. AMENDMENT, SEVERABILITY, AND EXPANSION**

The BID has been created under the authority of Section 66.608 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 Operating 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 so as to exclude or include as assessable properties of a certain class or classes of properties, then this BID Operating Plan may be amended by the Common Council of the City of Milwaukee as and when it conducts its annual review and approval of the Operating Plan and without necessity to undertake any other act. This is specifically authorized under Sec. 66.608 (3) (b), Wis. Stats.