



Local Business Action Team

Activities, Findings and Recommendations

Final Report

August, 2015

Report by the Legislative Reference Bureau conveying the activities, findings and recommendations of the City of Milwaukee Local Business Action Team.

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LOCAL BUSINESS ACTION TEAM
ACTIVITIES, FINDINGS AND RECOMMENDATIONS

City of Milwaukee, Wisconsin
August, 2015

Prepared by:
Legislative Reference Bureau
City of Milwaukee
Room 307, City Hall
200 E. Wells Street
Milwaukee, WI 53202
www.milwaukee.gov/lrb

TEAM MEMBERS

Representing the City of Milwaukee

Ald. Terry Witkowski, Co-Chair

Common Council, 13th District

Art Dahlberg, Co-Chair

Commissioner of Neighborhood Services

Ald. Jim Bohl

Common Council, 5th District

Ald. José G. Pérez

Common Council, 12th District

Bevan Baker

Commissioner of Health

Clifton Crump

Special Assistant to the Mayor

Ghassan Korban

Commissioner of Public Works

Jim Owczarski

City Clerk

Nancy Olson

Chief Information Officer

Rocky Marcoux

Commissioner of City Development

Representing the Private Sector

Eve Hall

Pres./CEO, African-American Chamber of Commerce

Jeff Tredo

Rinka Chung Architecture

Julio Maldonado

Executive Director, BID No. 38

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I. INTRODUCTION

A. Establishment and Purpose

The Local Business Action Team (“LBAT”) is a temporary City of Milwaukee committee created for the purpose of evaluating and making recommendations to the Common Council regarding issues that impact the interaction between local business and City government. LBAT was established by Common Council File Number 140081, adopted June 24, 2014. The specific issues LBAT was directed to investigate are:

1. Milwaukee’s regulatory environment for business, including zoning, permits, inspections, business licenses and fees.
2. Delivery of services to business, including strategies to make City services and assistance more accessible to businesses through digital tools, improved ways of organizing service delivery, and best practices from other cities.
3. Systems that ensure the voice of the business customer is heard by all City departments and agencies.

The overarching goal of all of LBAT’s activities is to find ways of making the City of Milwaukee an easier, more welcoming place to do business, thereby stimulating investment in the city, as well as the creation of jobs and additional tax base.

B. Meetings

The Local Business Action Team held both regular meetings and community listening sessions.

Regular meetings occurred on the following dates:

October 22, 2014
November 21, 2014
February 5, 2015
March 13, 2015
April 24, 2015
May 28, 2015
June 26, 2015
July 30, 2015

The three public forums, which were intended to gather public comments and suggestions relating to doing business with the City of Milwaukee, were held on:

March 7, 2015 (Washington Park Senior Center)
March 13, 2015 (City Hall)
March 16, 2015 (Robert Anderson Water Tower)



II. DISCUSSION ITEMS

A. LBAT Discussions

The Local Business Action Team discussed a wide variety of matters relating to its mission of improving the interaction between businesses and City government, including topics relating to improvements in City processes, small business development and public-private relations. These discussions are described briefly below. Minutes from each LBAT meeting can be found in the attachments.

Process Improvements

LBAT members discussed recent changes that have been made by the Development Center to improve reliability of the plan/permit review and approval process.

Suggestions were also taken from City staff and LBAT members for process improvements (in various City departments) to make doing business with the City less burdensome for the public in general and small businesses in particular. Examples included:

- Not requiring applicants to physically come to the City Hall complex.
- Providing application materials and customer-information documents in other languages (particularly, Spanish), and ensuring that all documents (English or otherwise) are written in everyday language that is understandable to the customer.
- Eliminating little-used licenses and/or creating “umbrella” licenses to be used in lieu of numerous, specific overlapping license types.
- Having staff from other departments (e.g., Health, City Clerk, Public Works) permanently located in the Development Center to expedite review and approval processes and reduce the need for applicants to visit multiple City offices.

Zoning Issues

The LBAT discussed trends in BOZA’s caseload and, in particular, trends since the “new Zoning Code” was adopted in 2002. In particular, members were interested in learning if the number of special use requests referred to BOZA has increased or decreased since 2002 and the introduction of the “limited use” zoning classification. This required considerable research on the

part of BOZA staff, as they needed to try to match occupancy permits for certain land uses with BOZA cases for those uses. Another BOZA caseload issue is the growing number of requests for renewals of special use permits. LBAT discussed various ways of reducing the number of renewals.

LBAT members also discussed developing a process for performing a review of the Zoning Code. This led to creation of a subcommittee, with representatives from DCD, BOZA and DNS, to review the Zoning Code and suggest areas for potential changes that would make the Code more user- and business-friendly.

The subcommittee identified 16 land uses for potential change in use classification (to limited or permitted use). Some of these revisions could be made quite quickly (e.g., breweries/distilleries, food and beverage production, kidney dialysis), while for others (e.g., rooming houses, secondhand stores, social services) considerable research is needed to determine the most appropriate zoning standards. Certain uses – day care centers and employment agencies, to name two – are often so controversial or problematic that changes in how they are treated by the Zoning Code may simply not be appropriate.

In addition to analyzing these 16 land uses, the LBAT subcommittee determined that the City should move forward with a package of technical changes suggested by Development Center staff to make the Zoning Code easier to read and more user-friendly. For instance, the subcommittee discussed the creation of a brochure to guide customers through the City's landscaping regulations. This task, which would include making some code changes to give customers more options and flexibility in meeting landscaping requirements, could take up to six months.

Public-Private Relations

LBAT discussed the possibility of developing a single online survey tool that City departments can use to solicit feedback from customers. Right now, several City departments are using their own surveys. It would be beneficial to both the City and businesses that interact with the City – and may currently be asked to complete multiple surveys, depending on how many City departments they work with – if a single, uniform survey were developed and implemented.

City Development Approval Processes

Flowcharts – developed by the LRB at the request of LBAT – of the City of Milwaukee’s requirements and procedures for review and approval of four hypothetical development projects were presented to the team. Creation of the flowcharts required documenting the time and cost of obtaining each approval. Generally speaking, there are four different types of City approval—building permit, occupancy certificate, zoning and licensing (food and alcohol). This flowchart exercise helped City staff in various departments to better understand the work flows that occur in City government.

Subsequently, the LRB surveyed six other Wisconsin municipalities – Madison, Green Bay, Brookfield, Greenfield, Wauwatosa and West Allis – for comparable information on their development review and approval processes, timelines and costs. Four of these communities completed or partially completed the survey. The results were difficult to summarize, but it is safe to say that other municipalities handle development/project review and approval differently – not necessarily better or worse – than the City of Milwaukee.

Based on the survey results, it was possible to compare Milwaukee and the other cities in terms of the cost of obtaining five different types of approval and the time needed to obtain five different types of approval (see attachment). Milwaukee was on the high end of the scale in some of these comparisons, but was really only an outlier in the case of the amount of time needed to obtain a food license.

Small Business Development

In addition to process improvements and public-private relations, the LBAT discussed what City government is doing right and wrong with regard to supporting entrepreneurs and small businesses.

For instance, a briefing from the LRB, requested by LBAT, was presented on the issue of fingerprinting and background checks for applicants for occupational licenses issued by the City. The briefing included information on federal, state and local laws; a brief legislative history of fingerprinting in Milwaukee; and a description of the pros and cons of fingerprinting.

The LRB report showed that the City of Milwaukee requires fingerprinting for far more license and permit types than any comparable city. Also, the LRB did not find any instances of the use of biometric technology (e.g., facial recognition or palm prints) for background investigations.

LBAT discussed the possibility of eliminating the fingerprinting requirement for a number of licenses and permits.

Finally, LBAT discussed New York City's strategies for nurturing small business and neighborhood economic development, as conveyed by Rob Walsh, New York City's development director during the term of Mayor Michael Bloomberg.

State Regulations

LBAT members were presented information on 2015 Wisconsin Senate Bill 81, proposed legislation that would limit the authority of municipalities to create new occupational licenses or fees or to continue to regulate certain professions. City of Milwaukee officials testified against this legislation before a committee of the State Legislature. The Intergovernmental Relations Division of the Department of Administration is working with City staff, including representatives of LBAT, to develop amendments to the proposed legislation that could make it less deleterious to the City.

B. Comments and Suggestions Received at Public Forums

The follow is a sampling of comments and suggestions received by LBAT at the three community forums:

- Communication between and among the City, property owners and prospective business owners needs to be improved.
- The City should seek more public input on proposed regulations for towing businesses.
- Residents and business owners should be provided with better access to (elected) representatives.
- Rules and regulations are necessary, but should not be barriers to business formation and growth.
- Prospective business owners are often unaware of grants and other opportunities that may be available to them.

III. RECOMMENDATIONS

As a result of its outreach, research and discussions, the Local Business Action Team developed a number of recommendations for improving the City's delivery of services to the business community. These recommendations are summarized in Table 1 on page 13.

A. General Improvements

A1: Single Online Survey Tool

The LBAT recommends the development and implementation of a single online survey tool that can be used by residents and businesses that interact with City departments. The Department of City Development and the Information Technology Management Division should work with other departments (DNS, BOZA, Health, DPW, License Division, Small Business Enterprise, Police, Assessor, Treasurer and Historic Preservation) to develop and implement this survey, which can now be used by any City department.

- ✦ **Status: Underway.** *An interdepartmental work group is being assembled and draft survey questions are being developed.*

A2. Revise Zoning Code

The LBAT recommends the City make various revisions to the Zoning Code so that it is more business-friendly, particularly with respect to new and emerging business types that are perhaps regulated more strictly than necessary under current code provisions.

- ✦ **Status: Underway.** *Common Council File Number 141580 was reviewed by the City Plan Commission on July 13, 2015 and was passed by the Common Council on July 21, 2015. The ordinance defines and regulates three new land uses involving the production and packaging of alcohol beverages, defines "food processing" as a separate and distinct use, and reclassifies dialysis facilities as medical offices, so that they are no longer regulated so strictly.*

The provisions of File 141580 represent the first round of Zoning Code changes that should be made; other revisions are necessary, but will require further analysis.

Table 1. Summary of Recommendations of the Local Business Action Team.

	RECOMMENDATION	RESPONSIBLE PARTIES	STATUS	
A. General Improvements	1. Single online survey tool	DCD and ITMD	Underway	+
	2. Revised zoning code	DCD and LRB	Completed (CCFN 141580, 7/21/2015)	+
	3. Revised fingerprinting requirements	Ald. Bohl (sponsor), LRB, License Div.	Underway (ordinance being drafted by LRB)	+
	4. Eliminate photographer license requirement	LRB	Completed (CCFN 150078, 6/2/2015)	✓
	5. Revise bonding and insurance requirements	City Attorney, Comptroller, City Clerk and DNS	Not yet underway	-
	6. Establish a customer-assistance team	DNS, DCD, CCCC (License Div.), Health and DPW	Not yet underway	-
B. BOZA Streamline	1. Limited use check box	ITMD, BOZA and DNS	Investigation phase	+
	2. Reduced special use renewal caseload	BOZA, LRB, Mayor's Office, City Attorney's Office	Not yet underway	-
C. Service-Delivery Improvements	1. Department of Neighborhood Services	DNS (with assistance from DOA-ITMD)	Not yet underway	-
	2. Department of Public Works	DPW (in cooperation with DNS Dev. Ctr. Staff)	Not yet underway	-
	3. Health Department	Health Department	Not yet underway	-
	4. City Clerk (License Div.)	License Division	Not yet underway	-
	5. Dept. of City Development	Dept. of City Development	One underway, others not yet underway	+ -
D. Licensing Procedure & Regulation Improvements	1. Review and revise available resources	License Division	Not yet underway	-
	2. Education, training and outreach	License Division	Not yet underway	-
	3. Simplify requirements & procedures	License Division	Not yet underway	-
	4. Mitigate impacts of Wis. SB 81 / AB116	DOA-IRD, City Clerk's Office, DNS, CC members	Underway	+

A3. Revise Fingerprinting Requirements

The LBAT recommends the City reduce its fingerprinting requirements. Specifically, LBAT members recommend the elimination of fingerprinting requirements for most licenses and permits, including food dealer licenses and extended-hours establishment licenses (with out-of-state applicants), but retain the fingerprinting requirement for alcohol and public entertainment premises licenses, as well as for licensees that work in residential neighborhoods or with children (e.g., ice cream peddlers, direct sellers and junk collectors).

+ Status: Underway. The LRB is drafting this ordinance, sponsored by Ald. Jim Bohl. The ordinance has not yet been introduced.

A4. Eliminate Professional Photographer License

LBAT members recommended eliminating this little-used license type, as the requirement for a photographer to obtain a City license no longer serves a vital public purpose or need.

✓ Status: Completed. *Common Council File Number 150078, passed June 2, 2015, repealed the license requirement.*

A5. Revise Bonding and Insurance Requirements.

The Local Business Action Team recommends that City staff evaluate the City's current bonding and insurance requirements for contractors seeking small contracts with the City. These requirements should be adjusted as necessary to prevent them from deterring Small Business Enterprise participation in City contracts.

- Status: Not yet underway.

A6. Establish a Customer-Assistance Team.

The Local Business Action Team recommends creation of a business-customer assistance team with a representative from each City department that interacts with businesses. This team should be chaired by a DCD staff member.

- Status: Not yet underway.

B. Streamlining Board of Zoning Appeals Operations

B1. Limited Use “Check Box”

The LBAT recommends the creation of a limited-use “check box” on the Board of Zoning Appeals application form for a special use appeal to BOZA to indicate whether the special use request stems from an inability to comply with limited-use standards. Having this check box will help City staff track the effectiveness of limited-use standards (i.e., how often does a use classified as a limited use end up going to the Board for special use approval due to inability to meet limited-use standards?). The LBAT also recommends adding a limited-use check box to the City’s building permit application form.

- ✦ **Status: Investigation phase.** *This recommendation is currently being investigated by ITMD and BOZA staff.*

B2. Reduced Special Use Renewal Caseload

LBAT members recommend changing the way renewals of special use permits are treated in the code and/or handled by the Board of Zoning Appeals. There are several possible means of reducing BOZA’s renewal caseload, including increasing the length of time for which a special use permit is granted, putting more renewals on the Board’s consent agenda, or establishing a policy of automatic renewal except when there is a complaint or objection.

- ✦ **Status: Not yet underway.** *This recommendation could require code changes, revisions to BOZA’s rules and procedures, or both. Staff from BOZA, the City Clerk’s Office, the Mayor’s Office and the City Attorney’s Office will meet to draft proposed legislation.*

C. Service Delivery Improvements

C1. Department of Neighborhood Services

The Local Business Action Team recommends the following service-delivery improvements be made in DNS:

- Develop a single-inspection occupancy-approval process.
- Develop a means for permit applicants to check the status of their requested permits online.
- Provide customers the ability to submit drawings, plans, etc., online. Ensure that staff are able to review these items as electronic files.
- Create the necessary tools for applicants for certificates of occupancy to apply online.
- Develop and implement a system allowing all development activity to be managed and tracked through a common database accessible to the public.

C2. Department of Public Works

The LBAT recommends the following service-delivery improvements be made in DPW:

- Maintain and enhance communication and cooperation between the Development Center and DPW.
- Have DPW staff conduct storm water management plan reviews at the Development Center.
- Develop strategies by which “simple” DPW permits (e.g., driveways, right-of-way occupancy) can be reviewed and approved immediately, without routing applications through multiple sections.
- Investigate means for reviewing building/site plans for DPW infrastructure concerns without physically routing plans to DPW.

C3. Health Department

The LBAT recommends the following service-delivery improvements be made in the Health Department:

- Create a new Consumer Environmental Health Coordinator position and reclassify an existing position to this title to generate the necessary capacity to have a Health Department representative on staff full time in the Development Center.
- In addition to performing plan reviews and inspections, Health Department staff assigned to the Development Center shall serve assist businesses as “project navigators” (for establishments regulated by the Health Dept.), serve on interdepartmental committees to improve the licensing process, and be present information or training on opening a business in Milwaukee at community meetings.

C4. City Clerk

The LBAT recommends the following service-delivery improvements be made in the City Clerk’s Office (specifically, the Licenses Division).

- Explore the effectiveness of License Division staff present at the Development Center at all times, thereby allowing simultaneous license and certificate-of-occupancy applications.
- Allow a conditional (building) permit for new construction, addition or alteration to be issued prior to license approval, with the applicant understanding that he/she is taking a risk (i.e., if the license is not approved, the business will not be able to be open as planned).

C5. Department of City Development

The LBAT recommends the following service-delivery improvements be made in DCD:

- Establish an interactive “Milwaukee Business Navigator” website (web portal) that has comprehensive information about local and state business regulations, programs and assistance.

+ Status: Underway. *DCD and DOA-ITMD have started to develop this web portal, which will initially focus on food- and alcohol-related businesses. The City was recently awarded a U.S. Small Business Administration grant to help fund this initiative.*

- Streamline the process for selling most City-owned commercial properties by using the traditional listing approach, rather than RFPs.

- Develop a “landscape pattern book” that shows landscaping techniques/amounts that are acceptable to the City. If an applicant agrees to landscape in accordance with a pattern in the book, a landscaping plan would not need to be submitted to BOZA.

— **Status:** Not yet underway *(unless otherwise noted)*.



D. Licensing Procedures and Regulations

D1. Resource Review and Revision

The LBAT recommends the following:

- Lexically score all license and permit application forms, informational sheets and pamphlets, as well as related documents and webpages; revise, as necessary, to appropriate reading levels.
- Review and, as necessary, redesign and standardize all license and permit application forms and attendant documents to increase the comprehensibility of information.
- Integrate the licensing application process into the land management system (LMS) known as Accela.
- Continue to reduce the need for applicants to participate in-person in the application and approval processes by exploring opportunities to increase or implement online and, in particular, mobile-friendly alternatives to include real-time, applicant-specific feedback.
- Increase opportunities for applicants to receive in-person feedback by increasing points of contact to include exploring Live Chat functionality, expanding or establishing alternative office hours, as well as establishing satellite or co-locations.
- Explore opportunities to repurpose customer intake areas to provide access to self-service technology, and online and onsite resources.

D2. Education, Training and Outreach

The LBAT recommends the following:

- Create and make publicly-available a series of short tutorial videos, informational pamphlets or other publicly-accessible resource materials to educate applicants on key tasks, requirements, concepts and procedures in the license application and approval processes.
- Regularly hold and increase participation in business-community workshops to provide training and information related to licensing requirements and approval processes, as well as recent or pending changes thereto.

- Schedule quarterly training events with individual license holders and groups relating to operation requirements, and review whether to require mandatory attendance as a condition of license renewal in certain circumstances.
- Create and regularly distribute to subscriber groups using social media or other electronic means information on educational topics relating to licensing and other related topics of interest.

D3. Regulatory Review and Revision

- Review all licenses and permits to identify opportunities for consolidation and standardization, or elimination, if warranted based on a change in circumstances for which the license or permit was originally established, the low number of current license or permit holders, or the low frequency of adverse committee actions, department objections or neighborhood complaints.
- Establish interdepartmental workgroups to review individual license and permit application and approval processes to identify opportunities to eliminate, standardize or streamline steps and requirements.
- Review, in conjunction with department stakeholders, the definitions in the Licensing, Building Code, and Zoning Code chapters of the Code of Ordinances for consistency and opportunities for consolidation and standardization.

— **Status: Not yet underway** (*unless otherwise noted*).

D4. State Regulation

The LBAT recommends developing alternatives to 2015 Wisconsin Senate Bill 81 that would reduce the proposed legislation's harmful effects on the City's ability to regulate and license certain activities and occupations.

✦ **Status: Underway.** *DOA-Intergovernmental Relations Division will be meeting with interested parties in City government – City Clerk's Office, DNS, Common Council members, etc. – to explore options for responding to the proposed state legislation.*

Prepared by: Jeff Osterman, Legislative Research Supervisor

Edited by: Andrew VanNatta, Legislative Fiscal Analyst - Lead
Ted Medhin, Interim LRB Manager

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IV. ATTACHMENTS

Appendix A:

Minutes of the meetings of the Local Business Action Team.

Appendix B:

LRB-issued research relating to the Local Business Action Team.