

BUSINESS IMPROVEMENT DISTRICT NO.40
AIRPORT GATEWAY BUSINESS IMPROVEMENT DISTRICT (AGBID)
PROPOSED OPERATING PLAN



Draft

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I. INTRODUCTION

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes 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.)

The City of Milwaukee has previously approved a petition from property owners which requested the creation of a Business Improvement District for the purpose of revitalizing and improving the Airport Gateway business area on Milwaukee's southeast side. The BID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed Airport Gateway Business Improvement District. The BID proponents prepared this Plan with technical assistance from the City of Milwaukee Department of City Development.

II. DISTRICT BOUNDARIES

A listing of the properties included in the district is provided in Appendix A. The Airport Gateway area is roughly bounded by:

The eastern boundary of the AGBID is the Milwaukee/Cudahy line from Layton Avenue south to College Avenue.

The north side of Layton Avenue comprises most of the northern boundary from the Milwaukee/Cudahy line west to Howell Avenue, and from 13th Street west to 20th Street only along Layton Avenue. From Howell Avenue west to 13th Street, the northern boundary is Howard Avenue.

The western boundary of the AGBID is the west side of 13th Street from Howard Avenue south to College Avenue.

The southern boundary is College Avenue from the Milwaukee/Cudahy line west to 13th Street.

There is one rectangular extension of the District on its southwest corner that is bound by 13th Street on the east side, College Avenue on the north side, I-94 freeway on the west side and the Milwaukee/Oak Creek line on the south side.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objectives of the AGBID are to:

- 1) Develop the vitality of the The Gateway To Milwaukee;
- 2) Enhance the community image through safety and beautification;
- 3) Market The Gateway area as the primary welcoming, hospitality and transportation hub of greater Milwaukee;
- 4) Promote mutually beneficial opportunities among the AGBID's businesses; and
- 5) Ultimately grow commercial business and property values.

B. Proposed Activities - Year Three

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

- 1) Continue the contracted safety and security patrols in the entire AGBID and promote extended coverage by the security services firm among businesses in the BID;
- 2) Continue to enhance the beautification of the area by funding maintenance of the gardens installed in 2007 and installing new ones, supplement grounds/garden maintenance of the City and County, support the beautification efforts of the Garden District and integrate/supplement the beautification efforts of the State's DOT, the DPWs of the City and County, and of Oak Creek during the road construction projects planned by those entities in the AGBID.
- 3) Upgrade the appearance of the railroad bridge over Layton at 11th Street, the cement supports of the bridge and potentially the tunnel on Howell Avenue under the Airport's east/west runway;
- 4) Broaden the existing marketing and promotional programs, in conjunction with the Airport and VISIT Milwaukee, about the hospitality opportunities in the AGBID;
- 5) Further develop The Gateway's web site as the primary and communications and promotions tool among businesses in The Gateway area.
- 6) Actively participate with the local task force of governments and businesses to develop economic activities around the Airport.

C. Proposed Expenditures - Year Three

<u>CATEGORY / ITEM</u>	<u>EXPENDITURES</u>	
	<u>\$</u>	<u>%</u>
Design and Maintenance		
Maintenance, enhancement and development of additional corridor gardens, potentially including equipment and supplies; enhancements of bridges and tunnels; potentially place attractive refuse containers on main corridors	\$110,000	30%
Public Safety		
Contracted safety patrol teams for District businesses, Properties, and corridors	45,000	12%
Marketing and Promotion		
Further development and promotion of The Gateway To Milwaukee brand and web site, including paper and online advertising, banners, billboards, brochures, maps and other promotional collateral; informational newsletters, meetings and member events; and networking opportunities. Some of the advertising may be cooperative with related ventures such as the Airport, Visit Milwaukee; MMAC, other BIDs etc.	90,000	25%
Research		
Studies of broad conceptual approaches or solutions for the AGBID in matters such as landscaping/appearance, joint task force structures, aerotropolises, funding, etc.	30,000	8%
Administration/Management		
Annual audit; board/general insurance; executive director and related operating expenses such as Internet, telephone, mileage, subscriptions, memberships, supplies and postage; other administrative services; potentially office space and related expenses	90,000	25%
TOTAL	\$365,000	100%

D. Financing Method

It is estimated that approximately \$325,000 will be raised through BID assessments. The additional \$40,000 needed for 2009 proposed expenditures beyond the estimated assessments will come from funds carried over from 2008, due to lower than expected expenditures on beautification. 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.

E. Organization of BID Board

The Mayor will continue to appoint members to the existing 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 services 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 five members and that a majority of the board members be owners or occupants of property within the district.

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

1. Board Size - At least five members
2. Composition - At least three members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Milwaukee. The board shall elect its Chairperson from among its members.
3. Term - Appointments 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 Meetings Law.
6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.

7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.

8. Meetings - 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.

F. Relationship to the Airport Gateway Business Association.

The BID shall be a separate entity from the Airport Gateway 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 board. The Association may, and it is intended, shall, contract with the BID to provide services 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.

However, maintaining an equitable relationship between the BID assessment and the expected benefits requires an adjustment to the basic assessment method. To prevent the disproportional assessment of a small number of high value properties, a maximum assessment of \$5,000 per parcel will be applied. The minimum assessment will be \$250 per parcel.

As of January 1, 2008, the property in the proposed district had a total assessed value of over insert amount million. This plan proposed to assess the property in the district at a rate of \$0.852 per \$1,000.00 of assessed value, subject to the maximum assessment, for the purposes of the BID.

Appendix A shows the projected BID 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) 1m: The district will contain property used exclusively for mercantile, manufacturing and special mercantile 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. 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 each 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 a financial contribution to the district 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 Gateway To Milwaukee 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 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.

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 reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so 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).

Appendix A: List of Assessed Properties